

TENDRING DISTRICT COUNCIL

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

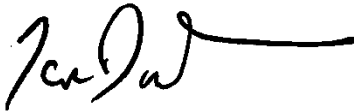
4 September 2020

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 15 September 2020 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in accordance with the relevant provisions of The Health Protection (Coronavirus Restrictions) (No.2) (England) Regulations 2020.

This means that Councillors can either attend the meeting in person at the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea or attend the meeting by joining it remotely.

Yours faithfully



Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 15 September 2020

Prayers

1 Apologies for Absence

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

2 Minutes of the Meetings of the Council held on 11 February and 21 July 2020 (Pages 1 - 24)

The Council is asked to approve, as correct records, the minutes of:-

- (a) the ordinary meeting of the Council held on 11 February 2020; and
- (b) the extraordinary meeting of the Council held on 21 July 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 Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 Statements by the Leader of the Council

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

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

7 Statements by Members of the Cabinet

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

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

8 Annual State of the Tendring District Statement by the Leader of the Council

The Council will receive the annual State of the Tendring District Statement from the Leader of the Council.

9 Petitions to Council

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

There are none on this occasion.

10 Questions Pursuant to Council Procedure Rule 10.1 (Pages 25 - 26)

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

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

There is one such question on this occasion.

11 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions (Pages 27 - 30)

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

12 Minutes of Committees (Pages 31 - 180)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 6 January 2020;
- (b) Resources and Services Overview & Scrutiny of Wednesday 8 January 2020;
- (c) Community Leadership Overview & Scrutiny of Monday 13 January 2020;
- (d) Audit of Thursday 30 January 2020;
- (e) Community Leadership Overview & Scrutiny of Monday 3 February 2020;
- (f) Standards of Wednesday 5 February 2020;
- (g) Resources and Services Overview & Scrutiny of Monday 17 February 2020;
- (h) Human Resources & Council Tax of Monday 24 February 2020;
- (i) Planning Policy & Local Plan of Monday 8 June 2020;
- (j) Resources and Services Overview & Scrutiny of Monday 22 June 2020;
- (k) Resources and Services Overview & Scrutiny of Thursday 9 July 2020;
- (l) Planning Policy & Local Plan of Wednesday 15 July 2020;
- (m) Standards of Thursday 16 July 2020; and
- (n) Resources and Services Overview & Scrutiny of Thursday 13 August 2020.

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

13 Motion to Council - "Level 2 Ambulance Response Times in the Harwich Peninsula" (Pages 181 - 182)

In accordance with the provisions of Council Procedure Rule 12, the Council will consider the following Motion to Council submitted by Councillor Pam Morrison:-

"That this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period."

14 Recommendations from the Cabinet - A.2 - Housing Strategy 2020-2025: "Delivering Homes to meet the needs of Local People" (Pages 183 - 214)

Council's approval is sought in respect of the Housing Strategy 2020-2025: "Delivering Homes to meet the needs of Local People".

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

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

There are none on this occasion.

16 Report of the Chief Executive - A.3 - Membership of Committees (Pages 215 - 216)

To inform Council of changes in the membership of the Council's standing Committees.

17 Report of the Assistant Director (Governance) & Monitoring Officer - A.4 - "Remote Meetings" and Changes to the Council's Constitution (Pages 217 - 284)

The Council is asked to consider the recommended changes to the Constitution put forward by the Cabinet in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392].

18 Report of the Head of Democratic Services & Elections - A.5 - Scheme of Allowances for Councillors - And related report from the Independent Remuneration Panel (Pages 285 - 332)

To receive the report of the Independent Remuneration Panel (IRP) and consider its recommendations. The Council is then invited to determine the Scheme of Allowances for Councillors for the remainder of this financial year (and, if appropriate for the financial years 2021/22 and 2022/23).

19 Report of the Head of Democratic Services & Elections - A.6 - Outcome of the review by the Resources and Services Overview & Scrutiny Committee of the implementation of the new Waste & Recycling Collection Service (Pages 333 - 348)

In accordance with its decision taken at its meeting held on 10 September 2019, Council will consider the detailed results of the outcome of the review by the Resources and Services Overview & Scrutiny Committee of the implementation of the new Waste & Recycling Collection Service.

20 Report of the Monitoring Officer - A.7 - Findings of an Investigation by the Local Government and Social Care Ombudsman (Pages 349 - 350)

To report the findings and outcomes of an investigation carried out by the Local Government and Social Care Ombudsman where the Ombudsman found against the Council.

21 Report of the Chief Executive - A.8 - Councillor Overton: Non-Attendance at Meetings (Pages 351 - 354)

In accordance with Article 2.06 of the Council's Constitution to inform Council that Councillor Overton has exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

22 Questions Pursuant to Council Procedure Rule 11.2 (Pages 355 - 356)

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

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

There is one such question on this occasion.

23 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting of the Council

Tuesday, 24 November 2020 at 7.30 pm

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 11TH FEBRUARY, 2020 AT 7.34 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Bush, Calver, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles (except items 86 - 93 (part)), McWilliams, Miles, Morrison, Newton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), William Lodge (Communications Manager), Katie Sullivan (Committee Services Officer) and Matt Cattermole (Communications Assistant)

86. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Cawthron and Overton.

87. MINUTES OF THE LAST MEETING OF THE COUNCIL

Members had had circulated to them, prior to the commencement of the meeting, an amended Page 12 of the Minutes which contained corrected text.

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 21 January 2020, be approved as a correct record and be signed by the Chairman, subject to the correction being made to page 12 of those Minutes as indicated on the amended page which had been circulated prior to the commencement of the meeting.

88. DECLARATIONS OF INTEREST

With regard to the Council's consideration of the budget and Council Tax proposals and the statutory provisions in respect of Members' declarations of interest thereon, the Monitoring Officer reminded Members of the salient points contained in her advice that had been recently circulated to them by email on 6 February 2020.

The Monitoring Officer also reminded Members that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 required local authorities to hold a named vote on the Budget motion and any and all amendments thereto.

89. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman updated Council on recent and upcoming events in his diary including his Charity Quiz, his recent visit to Biberach, the Pride of Tendring awards and a voluntary services awards night.

90. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive made the following announcements:-

Councillor Nicola Overton

“Mr Chairman, Council will be aware that it is a requirement under Article 2.06 of the Council’s Constitution that if a Member exceeds four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee that shall be reported to the next Council meeting.

Therefore, in accordance with the said Article 2.06 I formally report that Councillor Nicola Overton has exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

The last meeting that Councillor Overton attended was the meeting of the Community Leadership Overview and Scrutiny Committee held on 7 October 2019.

Councillor Overton has recently contacted me and informed me that she is currently suffering from ill health.”

Councillor Peter Harris

“Mr Chairman, I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Peter Harris has served formal notice on the Council that he no longer wishes to be treated as a member of the Tendring Independents political group.

I further formally report that Councillor Harris, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, has served formal notice on the Council that he wishes to be treated as a member of the Conservative political group. That notice has been duly counter-signed by the Leader of the Conservative Group (Councillor Neil Stock).

Councillor Stock has not exercised his right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 for a review of the allocation of seats to political groups to be carried out.

This report is for Members’ information only.”

91. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no such statements on this occasion.

92. STATEMENTS BY MEMBERS OF THE CABINET

There were no statements by members of the Cabinet on this occasion.

93. REPORT OF THE CABINET - A.1 - EXECUTIVE'S PROPOSALS - GENERAL FUND BUDGET AND COUNCIL TAX 2020/2021

The Council gave consideration to the Cabinet's General Fund budget proposals for 2020/21 and the amount of Council Tax for District and Town and Parish Council services for the financial year 2020/21, for each category of dwellings within the District of Tendring, to support the proposed level of expenditure.

Members were aware from Minute 105 (A.4) of the meeting of the Cabinet held on 24 January 2020, that the Chief Executive, in consultation with the Leader of the Council and the Corporate Finance and Governance Portfolio Holder, had been authorised to submit a report to this meeting in respect of the formal draft resolutions necessary to implement the Cabinet's budget proposals, together with any late information, or notifications received from the Ministry for Housing, Communities and Local Government, as may necessarily affect the budget.

The Council was advised of all the resolutions and recommendations made by the Cabinet on 24 January 2019, together with the additional recommendations necessary to set the Council Tax levy. Those resolutions and recommendations were before the Council, as contained within item A.1 of the Report of the Cabinet.

The Council was aware that the Cabinet's proposed budget had been subject to the Council's Budget and Policy Framework Procedure Rules, which had included scrutiny by the Council's Resources and Services Overview and Scrutiny Committee.

Members were also aware that the Town and Parish Councils within the District had met to set their precepts and those precepts were contained within Appendix G to the Report of the Cabinet, which detailed the Precepts on the Collection Fund.

The Council was also aware from Appendix H that the average District and Parish Council Tax for a Band D property would increase to £214.91, an increase of 3.76%.

The Leader of the Council (Councillor Stock OBE) made the following budget statement:

"The protection of frontline services, the key foundation of our 10-year financial plan, is once more the crucial and significant deliverable in the budget we have in front of us tonight – I am so proud that we have been able to achieve this for a further year as this is so fundamentally important and really makes a difference to our residents. I know that every other Council, up and down this country, would love to be in this same position.

It has been an interesting 12 months since we sat here last year, not least the number of new faces around the room who are tonight considering their first budget as a District Councillor. It would be fair to say that in those last 12 months the government in Westminster, and Parliament in particular, got completely bogged down with a single issue, pretty much, it seemed, to the exclusion of anything else. But, the General Election in December has happily broken that deadlock, and we have now finally left the European Union and at long last made good on the referendum decision that this

country made almost four years ago. And already we are seeing a much greater focus on the domestic agenda.

Just yesterday Chairman, it was announced that the Government has launched a consultation on creating up to 10 free ports with special tariff and duty status. The Chief Executive and I have already had a conversation with the Secretary of State for Communities on this very idea when he was in Harwich before Christmas and it is a consultation that we will engage with to the fullest as it could represent a terrific opportunity for Harwich and hence for the wider District.

The official announcement says that the Government has the following objectives for UK free ports, specifically it wants to:

- establish free ports as national hubs for global trade and investment across the UK;
- promote regeneration and job creation; and
- create hotbeds for innovation

The Government has drawn on evidence from successful free ports around the world to develop a UK free port model. The proposed model includes tariff flexibility, customs facilitations and tax measures. The Government is also considering planning reforms, additional targeted funding for infrastructure improvements and measures to incentivise innovation.

Nobody could dispute that it sounds fantastic, but the devil as always, will be in the detail, and I will keep Members informed as the consultation proceeds.

Chairman, there is so much that we want to do; to achieve as a Council and to benefit from as a District, and we need the new Government to genuinely understand our aspirations and support us as much as possible as we go forward.

The new business rates retention model has been postponed until 2021 and we must hope that it will provide sufficient and sustainable funding to this Council. We need the Government to support us in things such as giving us the powers and freedoms to be meaningfully commercial. In respect of the Housing Revenue Account budgets, the next item on the agenda tonight, Government needs to address the right-to-buy conundrum and help us to continue being the best council-house landlord in the country. This Council could really fly if the Government were to make what are just minor changes to rules and regulations – surely a situation that we all want to see going into the next financial year and beyond.

When I introduced the budget last year, I stated that there were no ‘frills’ included, but the budget proposed would help us to keep delivering good quality and relevant services to our residents, businesses and visitors.

As we moved into 2019/20, we have added the ‘frills’ and over the past year we have delivered, we continue to deliver, and we have made a number of further commitments to our key priorities.

In terms of projects we have delivered and continue to deliver, these include:

- Significant cliff stabilisation work in Holland-on-Sea;
- Office rationalisation;

- *Major events and activities including the Mayflower celebrations;*
- *The roll out of the new waste and recycling service; and*
- *Digital Transformation*

These projects have seen millions of pounds being spent. In terms of digital transformation, such projects can seem a little invisible, especially to our residents, but it provides a foundation for us all in what is an ever-increasing digital world. It has also given us more resilience in areas such as business continuity, given the significant cloud migration project that remains in progress, and which is highly relevant as we see the world respond to the current corona virus outbreak.

In terms of further commitments, over the last few months we have committed funding to key projects such as:

- *Rejuvenating Clacton Town Centre;*
- *The Starlings Site and Milton Road Redevelopment;*
- *Works to Clacton Leisure Centre; and*
- *The Tendring4Growth initiative*

These projects along with others in the pipeline will see further significant investment in our District. Setting aside funding is a prudent thing to do as we can demonstrate that our commitments are cash-backed and not just ideas that we hope to fund in future years if we have enough money.

However, I do appreciate that whilst committing money is a necessary part of the budget-setting process, our residents only really see what is actually delivered on the ground. Therefore the actual delivery of projects and initiatives is key, and behind the scenes, the cogs and wheels have been slowly pieced together to give us a stronger platform going into 2020/21 – some of the cogs and wheels include a new project appraisal approach, developing a corporate investment plan to deliver against our priorities, recognising necessary additional staff capacity in areas such as public realm and engineering services, additional disabled facilities grant coordinator posts along with additional enforcement support. These various ingredients are now coming together, and we should start seeing the associated benefits as we head into 2020/21.

To protect frontline services, we first have to protect our underlying revenue position. Although this will take the form of a number of individual actions, one significant piece of the jigsaw has already been put in place in the form of an asset improvement fund. As we have discussed before, expenditure on our assets is expensive and we cannot rely on the underlying revenue position to generate the sums necessary for this type of investment – we have therefore set aside £1.134m to invest in our assets, especially in terms of contributing to our commitment to be carbon neutral by 2030.

As I mentioned earlier, we are developing an investment plan to support the delivery of our corporate priorities. This will draw together funding from existing budgets and therefore may include the reprioritisation of funds already set aside. It will also help us to provide a clearer understanding of external funding opportunities and give us the focus to chase money that is made available by various funding bodies at different times of the year.

We are still in the first year of a new administration and with the items I listed earlier, along with those that will be emerging over the remaining 3 years of this term, we should not only see our own money being ploughed back into the district but by also working

hard at our partnerships, and constantly and with relentless positivity making the case for Tendring, we will be attracting external funding into our area – we have been extremely successful at this in the past and I have no doubt we will continue to be so in the future.

In terms of putting money back into the District and leveraging in match funding, I want to announce two new investment funds tonight – the first is a Rural and Urban Infrastructure Fund, that looks to unlock economic growth through improvements to infrastructure, and I plan on allocating the full £1.2m of new homes bonus for 2019/20 to this new fund. The second is a Tendring Community Fund that seeks to support community groups and organisations that in turn support the residents and local communities across our District. I will be allocating £500k to this new fund from the Council's New Homes Bonus allocation for 2020/21.

Chairman, the Rural and Urban Infrastructure Fund will follow the lead set with the budget I moved way back in 2011 when we allocated £3m to a coastal improvement and enhancement fund. As Members will doubtless recall that budget decision, coupled with a vast amount of partnership collaboration and hard work led, in an incredibly short period of time, to a £37 million scheme, the largest of its kind in the country, that gave us 5km – over 3 miles - of new beaches and the protection of our coastline from Clacton to Holland. It is my hope that this new Rural and Infrastructure Fund can be used in a similar manner to kick-start a much bigger project or projects to bring about vital improvement to key infrastructure within the District. Examples of the kind of schemes I am thinking about could include a new road and rail crossing at Manningtree Station, a bypass for Thorpe Le Soken or even the proper upgrading of the A120 from Hare Green to Harwich. Obviously, and I want to make this clear, the £1.2m in this fund will not of itself be anywhere near enough to pay for any of those projects outright, but just as we did with the coastal improvement works, it could provide the seed-funding necessary, not only to demonstrate our serious commitment, but also to provide the technical framework necessary for such projects to progress and succeed and to attract the large-scale funding they will require.

In respect of the Tendring Community Fund, I see this as a successor to the hugely successful Big Society Fund, with a lead Portfolio Holder and cross-party representation on the panel that reviews and approves applications for grant funding. A key condition of awarding grant funding would be the generation of match funding. I will be asking officers to get going on these two initiatives and bring something back to Members as soon as possible to ensure we can make this money available to organisations as quickly as we can in 2020/21.

Let me now talk about our commitment to being carbon neutral by 2030. Money has already been set aside to develop a long-term action plan and the £1.134m put into the asset investment fund should also help us support the required actions needed to deliver against our commitment to tackling this issue.

The balance we are trying to find is to spend the one-off money we do have on things that either deliver against our carbon neutral commitment or raise money or save money or protect us from increased costs and wherever possible all of the above! This seems both logical and pragmatic.

2019 saw the roll out of our new waste service. We all accepted that there would be teething problems that come with a new service, but I think we have now reached that

stage in the project where there is now stability in the delivery of this important service to residents. We have saved £400k through the redesign of this service and have significantly increased recycling rates from 29% to over 40%. This has also increased the level of recycling credits that we get from Essex County Council, a further £50k saving has been included in 2020/21 budget which I am sure will only increase going forward.

It is also important for me to talk about the necessary £5 increases to council tax that have been built into the long-term forecast. We continue to have to make up the shortfall introduced by the significant cuts to our funding from Government over recent years. The £5 increase is only one ingredient to the overall budget and is a compromise we have to make to help deliver on our promise to protect front line services. It is also important to build our tax base in fairly modest stages, which will stand us in good stead in the latter years of the forecast. We also should remember that we still have one of the lowest levels of council tax in the country.

We do though need to make sure that our residents can see a link to services provided and projects and initiatives delivered. I echo my earlier comments about being at the cusp of delivering on the ground a number of key projects that will provide the platform that in turn provides benefits to the District over coming years.

You may not always see a return on every pound that is spent in the very short term, but small steps made tenaciously over a number of years do make a difference.

Some good examples of where this will be evident in future years are as follows:

- *Hosting stages of national cycling tours and races;*
- *Hosting car rallies – the Tendring rally (now officially called the Corbeau Seats Rally Tendring and Clacton) is now one of the most important rally events on the calendar;*
- *Sea and beach festivals; and*
- *The air show and other visitor events.*

Over time these activities build and promote the District as a 'go to' place, not only by domestic visitors but also internationally. This can only be good news for our local economy – it really puts Tendring on the map, a position that will be further enhanced by other major events such as the upcoming Mayflower celebrations where the Council is, of course, playing a key role.

Similarly, to what I said last year, whatever happens over this year and beyond, we must keep up the enthusiasm that is clearly there amongst us all to carry on making a difference. Let's carry on with good and honest debates and make well-informed decisions that are supported by our excellent officers.

Finally, I want to thank all officers and members, particularly those involved with the Resources and Services Overview and Scrutiny Committee and its Chairman, who have worked so diligently to get this budget before us tonight. I also want to mention that I certainly appreciate the positive and constructive engagement of group leaders at Cabinet meetings throughout the year, as some really good points have been raised that have helped to shape our understanding of the issues and facilitated better decision-making. I hope that spirit will continue as we go forward; we really are at the

cusps of providing some major projects and initiatives, so it is going to be a very exciting year ahead.

Chairman, I commend this budget to the Council, and I call on all Members to support the 2020/21 General Fund budget being proposed tonight. Thank you."

It was moved by Councillor Stock OBE and seconded by Councillor G V Guglielmi that the recommendations, as set out on pages 15 and 16 of the Council Book, be approved.

It was then moved by Councillor I J Henderson and seconded by Councillor Miles that Councillor Stock's motion be amended by the addition of the following:-

"That Council agrees to the funding of a Housing Early Intervention Officer post for a fixed period of three years at a total cost of £100k, to support families in critical need of help when faced with difficult housing circumstances such as the threat of homelessness. The cost of this would be met from the net £393k unexpected Revenue Support Grant receivable in 2020/21."

Pursuant to the provisions of Council Procedure Rule 16.6 and with the consent of his seconder and having consulted the Chief Financial Officer, Councillor Stock, on behalf of the Cabinet accepted the amendment and altered his motion to include Councillor Henderson's amendment.

It was then moved by Councillor Allen and seconded by Councillor Fowler that Councillor Stock's amended motion be further amended by the addition of the following:-

"Following the recent agreement to 4 additional officers (2 in Public Realm and 2 in Building and Engineering services) to support improvements to the overall appearance of the District, Council agrees to fund further essential capacity of an additional 2 officers in 2020/21 at a cost of £44k. The cost of this would be met from the net £393k unexpected Revenue Support Grant receivable in 2020/21."

Pursuant to the provisions of Council Procedure Rule 16.6 and with the consent of his seconder and having consulted the Chief Financial Officer, Councillor Stock, on behalf of the Cabinet accepted the amendment and further altered his motion to include Councillor Allen's amendment.

It was then moved by Councillor Bush and seconded by Councillor M E Stephenson that Councillor Stock's amended motion be further amended by the addition of the following:-

"Council agrees that the remaining funding of £249k from the net £393k unexpected Revenue Support Grant be applied to directly support additional enforcement activities in 2020/21 and that the Portfolio Holder responsible for corporate enforcement be requested, in consultation with officers, to determine how this money can be effectively applied alongside existing enforcement activities during the year ahead."

Pursuant to the provisions of Council Procedure Rule 16.6 and with the consent of his seconder and having consulted the Chief Financial Officer, Councillor Stock, on behalf of the Cabinet accepted the amendment and further altered his motion to include Councillor Bush's amendment.

In respect of Councillor Stock's motion, as amended, the vote resulted as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander Allen Amos Barry Bray Broderick Bush Calver Casey Chapman Chittock Clifton Codling Coley Davidson Davis Fairley Fowler Griffiths G V Guglielmi V E Guglielmi Harris I J Henderson J Henderson P B Honeywood S A Honeywood King Knowles Land McWilliams Miles Morrison Newton Placey Porter Scott Skeels Steady G L Stephenson M E Stephenson Stock Talbot Turner White Wiggins Winfield	None	None	Cawthron Overton

Councillor Stock's motion was declared unanimously **CARRIED** and it was therefore:-

RESOLVED that, having had regard to the Chief Finance Officer's (Section 151 Officer) report on the Robustness of Estimates and Adequacy of Reserves, in accordance with the requirements under Section 25 of the Local Government Act 2003, and having taken account of the responses to the budget consultation process, the Council approves the budget proposals (based on a £5 Band D council tax increase for district services) and agrees:

- (i) that the total General Fund net revenue budget for 2020/21 be set at £14.582m (a council tax requirement of £8.354m excluding parish precepts);
- (ii) that the General Fund capital programme be approved totalling £1.024m in 2020/21;
- (iii) that the detailed General Fund budgets be as per the Cabinet's budget proposals of 24 January 2020, adjusted for the removal of the originally anticipated savings from business rates on public conveniences, as set out in Appendix D to item A.1 of the Report of the Cabinet, subject to:-
 - (a) funding of a Housing Early Intervention Officer post for a fixed period of three years at a total cost of £100k, to support families in critical need of help when faced with difficult housing circumstances such as the threat of homelessness. The cost of this to be met from the net £393k unexpected Revenue Support Grant receivable in 2020/21;
 - (b) funding of an additional 2 officers in 2020/21 at a cost of £44k to support improvements to the overall appearance of the District. The cost of this would be met from the net £393k unexpected Revenue Support Grant receivable in 2020/21;
 - (c) the remaining funding of £249k from the net £393k unexpected Revenue Support Grant being applied to directly support additional enforcement activities in 2020/21 and that the Portfolio Holder responsible for corporate enforcement be requested, in consultation with officers, to determine how this money can be effectively applied alongside existing enforcement activities during the year ahead;
- (iv) the calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts, as set out at Appendix F to item A.1 of the Report of the Cabinet;
- (v) the Council Tax for District and Parish/Town Councils' services, as set out at Appendix I to item A.1 of the Report of the Cabinet and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands; and that
- (vi) if budget adjustments are required following the late notification of external / grant funding, then in consultation with the Corporate Finance and Governance Portfolio Holder, budgets be adjusted accordingly with no net impact on the overall budget or capital programme set out above.

94. REPORT OF THE CABINET - A.2 - EXECUTIVE'S PROPOSALS - HOUSING REVENUE ACCOUNT BUDGET 2020/2021

The Council gave consideration to the Cabinet's Housing Revenue Account (HRA) budget proposals for 2020/21, including the proposed increase in dwelling rents for 2020/21.

Members were aware from Minute 106 (A.5) of the meeting of the Cabinet held on 24 January 2020 that the Chief Executive, in consultation with the Housing Portfolio Holder, had been authorised to adjust the forecast / budget, including the use of reserves, if the financial position had changed prior to this Council meeting.

The Council was advised of all the resolutions and the recommendation made by the Cabinet on 24 January 2020, together with the additional recommendations necessary to set the HRA budget, fees and charges and dwelling rents for 2020/21. Those resolutions and recommendations were before the Council, as contained within item A.2 of the Report of the Cabinet.

The Council was aware that the Cabinet's proposed HRA budget had been subject to the Council's Budget and Policy Framework Procedure Rules, which had included scrutiny by the Council's Resources and Services Overview and Scrutiny Committee.

The Leader of the Council (Councillor Stock OBE) made the following budget statement:-

"As mentioned earlier, there are many new faces in the room who will be considering a General Fund budget for the first time. But in terms of the Housing Revenue Account (HRA), this is the first time that it has been in front of any of us at a Full Council meeting, so quite a timely change to previous arrangements.

In terms of size and scale, the HRA is on a par with the General Fund with expenditure in excess of £13 million each year.

It is a relatively quiet year budget-wise, but one of the highlights is the Government's removal of the requirement to reduce rents by 1% each year. As we have said before, this was unsustainable and has already taken a considerable amount of money out of the HRA - we estimate that it will have taken over £30m out of the account over a 30 year business planning period – money that could have gone into building new homes and improving existing homes.

Hopefully, people therefore see the proposed 2.7% rent increase as sensible, prudent and necessary to support the HRA budget to continue to remain strong and allow the Council to make the right investment in people's homes. The average proposed weekly rent is £82.42, which I think represents good value for money.

When speaking about the HRA it always seems a good time to reflect on the Right to Buy. We know it is unlikely to be something that the Government are ever going to do away with in England, so lobbying for such an outcome will likely fall on deaf ears. But perhaps a more productive approach would be to suggest ways to make the Right to Buy sustainable – this is something we have already done when officers met with representatives from MHCLG last year. We made some sensible and credible suggestions on how the Government could balance their political commitment to continue with the Right to Buy with making it financially sustainable for local authorities.

Looking ahead to 2021/22, we will need to revisit the 30-year business plan in light of the emerging housing strategy, but we are operating from a really strong base both financially and reputational.

We are still faced with a number of risks over and above the right to buy issue such as the outcome from the Grenfell inquiry. As set out in the report we all want to ensure that our tenants live in safe and comfortable homes and we would never put money ahead of individual safety.

The proposed increase in rents has enabled a £281k contribution to be made to the HRA capital programme so we can really get stuck-in to delivering new homes for local people going into the next financial year.

In terms of new homes, I talked earlier about seeing actual delivery on the ground, and I would urge everyone to take a look at the great progress we are making in Jaywick Sands with the 10 new houses really taking shape. We said this Council would build new council houses; we are doing it!

In echoing some of those comments made during the introduction of the General Fund Budget, we now need to keep on delivering as we can only demonstrate that we are doing the things people want us to do by them seeing it actually happen.

So Chairman, in conclusion, this proposed budget enables us to keep moving forward positively, I commend it most strongly to the Council and I call on Members to support the 2020/21 Housing Revenue Account budget that is being proposed."

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

RESOLVED that Council approves:

- (a) a 2.7% increase in dwelling rents in 2020/21;
- (b) the 2020/21 Scale of Charges shown in Appendix B to item A.2 of the Report of the Cabinet; and
- (c) the Housing Revenue Account (HRA) Budget for 2020/21, as set out in Appendix A to the above report, along with the HRA Capital Programme and the movement in HRA Balances / Reserves, as set out in Appendix C and Appendix D respectively to the aforementioned report.

95. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 9.08 pm

Chairman

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 21ST JULY, 2020 AT 4.00 PM
THE MEETING WAS HELD REMOTELY IN ACCORDANCE WITH THE PROVISIONS
OF STATUTORY INSTRUMENT 2020/392**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Barry, Calver, Cawthron, Chapman, Chittock, Codling, Coley, Davidson, Davis, Fairley, C Guglielmi, V Guglielmi, I Henderson, P Honeywood, S Honeywood, Knowles, McWilliams, Miles, Newton, Porter, Scott, Steady, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
Also Present:	Councillor Fowler
In Attendance:	Ian Davidson (Chief Executive)(except item 9), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy))(except item 9), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer)(except item 9), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer)(except item 9), Keith Simmons (Head of Democratic Services and Elections), Carol Magnus (Acting Head of People, Performance & Projects), Ian Ford (Committee Services Manager), Keith Durran (Democratic Services Officer), Karen Hades (IT Training Officer), Matt Cattermole (Communications Assistant) and Luke Rosier (IT Officer)

1. CHAIRMAN'S OPENING REMARKS

The Chairman of the Council began the meeting with the following remarks:

“Welcome everyone to this meeting, I’m Councillor Dan Land, I am the Chairman of Tendring District Council. I will start by inviting my fellow Councillors to confirm using an instant chat facility we have that 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 Full Council. 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. As this is an extraordinary meeting of the Council many of the usual items on the agenda do not appear. If the proposals in our agenda around a schedule of meetings up to the end of April next year are approved today it will mean those items automatically appear on the agendas for Council meetings going forward.

During the meeting Councillors are asked to keep their video feed on; unless they are having connection problems. Officers of the Council 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. For most items I will ask a specific Councillor to move the proposals as set out in the agenda for the meeting.

If a Councillor needs to contribute, for instance to declare an interest not already declared, then they should alert me as Chairman; again using our instant chat facility. If they cannot use that facility they can interrupt me briefly and then allow me to invite them to make their point. Something like 'Chairman, it's Councillor XXX, I wish to make a point' will be sufficient.

During the discussion on each item, if there are no alternative motions moved or opposition statements to the recommendations proposed I will ask if anyone is opposed to the recommendations. If there is no opposition, I will declare the recommendations approved. If there is opposition, I will ask each Councillor in turn to identify how they vote on that item so that we are clear whether there is a majority for or against the recommendations. The Minutes will only record the overall decision unless a recorded vote is requested in accordance with the normal rules.

I will seek to accommodate all Councillors who want to contribute to the discussion on each item as we move through the agenda. While the world around us changes rapidly it is noteworthy to me that all Councillors on Tendring District Council have continued to work collaboratively to deliver for the communities we serve. I'm glad to be able to say how proud I am that we have met the challenges we have faced without falling out or dividing along political lines. So colleagues if you have things to say on any of the items we have on our agenda just let me know.

So, in thanking you for your patience as I went through these arrangements for the meeting, can the Committee Officer please now confirm that the live stream of this meeting is active?"

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Amos, Broderick, Bush, King, Morrison, Placey, Skeels and G Stephenson.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time.

The Chief Executive informed the meeting that he and other relevant Officers would each be declaring an interest in Agenda Item 8 – Report of the Assistant Director (Partnerships) – A.6 – Pay Policy Statement 2020/21 and that they would all withdraw from the meeting at the appropriate juncture.

4. REPORT OF THE CHIEF EXECUTIVE - A.1 - CHANGE IN MEMBERSHIP OF POLITICAL GROUPS

The Council had before it a report of the Chief Executive (A.1) which informed it of a change in the membership of the UKIP and Conservatives political group on Tendring District Council.

The Chief Executive formally advised Council that, on 21 February 2020 and pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Alex Porter had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

He further advised Council that Councillor Porter, also on that date and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that he wished to be treated as a member of the Conservatives political group. That notice had been duly counter-signed by the Leader of the Conservative Group (Councillor Neil Stock OBE).

It was further reported that Councillor Stock had informed Officers that he did not wish to exercise his right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out at that time.

Council noted the foregoing.

5. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER - A.2 - APPROVAL OF MEMBERS' NON-ATTENDANCE AT MEETINGS

The Council had before it a report of the Assistant Director (Governance) & Monitoring Officer (A.2) which would enable it to decide whether to approve the reason(s) for Members' non-attendance at meetings of the Council et cetera.

Council was aware that, if a Councillor did not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 would disqualify them from office unless the Full Council had approved the reason(s) for that non-attendance before the end of that period.

Members were further aware that sub-section (2A) referred to Councils operating executive arrangements and mandated that, if a member of the executive of that local authority, failed throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the executive, they would, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

It was reported that, due to the ongoing public health emergency caused by the Covid-19 coronavirus, there had been a significant disruption to the ordinary conduct of the Council's democratic business and that several of the Council's Committees had not been able to meet and were unlikely to do so before September 2020 at the earliest.

As a result there were Members who had not been able to attend a meeting for some time and were in danger of being disqualified from office under Section 85 of the Local Government Act 1972 through no fault of their own.

Council was advised that there was therefore a very real danger that seats on the Council would fall vacant and Members were aware that, under the provisions of Regulation 5 of The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, no by-elections could currently be held to fill vacant local authority seats until, at the earliest, 6 May 2021. This would leave a significant number of the District's residents with no Ward Member representation on the Council.

Members noted that a later report on this agenda sought approval for a programme of meetings for the period August 2020 to April 2021. Included within that programme of meetings was a proposed meeting of the Full Council to be held on Tuesday 15 September 2020.

It was therefore proposed that Council approved the reasons (namely illness and/or cancellations of meetings due to the Covid-19 public health emergency) for non-attendance for the Members who would otherwise be disqualified from office in the period 22 July 2020 up to and including 15 September 2020 due to a failure to attend meetings for a six month period.

Members had had circulated to them, subsequent to the publication of the Council Book and prior to the commencement of the meeting, an amended Appendix to the Officer report which had been updated to reflect Members' attendance at recent Committee meetings. That amended Appendix contained the names of two Members referred to above (namely Councillors Broderick and Knowles). In addition, Council was aware that Councillor Knowles was in attendance at this meeting and that therefore she was no longer at risk of being disqualified. This left just Councillor Broderick to whom Section 85 now applied.

Members were reminded that, in the event that Council approved that Councillor Broderick's reasons for non-attendance (namely long-term illness), that Councillor would gain a further six months' period of grace, from 21 July 2020, in which they would need to attend a meeting of Council, or a Council Committee etc., before its' expiry in order to remain a Councillor (or otherwise be subject to a fresh approval of absence by Council prior to that date).

Council was informed that the Council's Portfolio Holder Constitution Review Working Party was considering how to record the attendance of an elected member at a formal meeting by remote access if they were not participating and this would be included within a future report to Full Council.

Council noted that the Officer report did not cover Councillor Overton's period of absence which had already been extended until 7 October 2020 under a previous decision by the Chief Executive, in accordance with urgency provisions, following consultation with all Members prior to the new remote meeting regulations being in force.

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

RESOLVED that the Council approves the reasons (namely long-term illness) for non-attendance for Councillor Broderick who would otherwise be disqualified from office in the period 22 July 2020 up to and including 15 September 2020 due to a failure to attend meetings for a six month period.

6. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER - A.3 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

The Council had before it a report of the Assistant Director (Governance) & Monitoring Officer (A.3) which sought its approval of the recommended changes to the Constitution put forward by the Leader of the Council (on behalf of the Cabinet) following a review

undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

Council was aware that the Cabinet was due to have considered, at its scheduled meeting on 20 March 2020, a report of the Corporate Finance and Governance Portfolio Holder which would have requested it to approve the recommended changes to the Constitution for referral onto Full Council.

That report had been published with the agenda for that meeting in March 2020 which unfortunately had then had to be cancelled in response to the COVID-19 public health emergency. However, the recommendations contained therein had been subsequently approved by the Leader of the Council (acting on behalf of the Cabinet) who had exercised urgent powers granted to him under the Council's Constitution.

Members were reminded that the main proposals covered a number of miscellaneous amendments to the Council and Overview and Scrutiny Procedure Rules, changes required to comply with legislation, revised statutory guidance and to ensure the Constitution was effective, efficient and consistent at an operational level.

The Portfolio Holder's Report and accompanying Appendices which had been due to have been considered by Cabinet at its cancelled meeting on 20 March 2020 were attached as Appendices to the Officer report.

The Council was informed that the Leader of the Council's decision, on behalf of the Cabinet which had been taken on 24 April 2020, was as follows:-

“1. That Cabinet *RECOMMENDS TO COUNCIL*:

(a) that the Council's Constitution be amended to reflect the proposed changes as set out in this report and the appendices attached hereto (with the exception of Appendix S which relates to executive functions);

(b) that all changes come into effect from the date on which they are approved by Full Council;

(c) that Group Leaders be commended to strongly urge that all Members attend planning and licensing training events which would both increase the number of named substitutes that Group Leaders would have at their disposal as well as providing Members with greater knowledge of the workings of the Council that will prove useful to them in their Ward and wider representational roles; and

(d) that the Monitoring Officer be requested to undertake a review of the public speaking scheme for the Planning Committee in accordance with Council Procedure Rule 40, as amended.

2. That Cabinet *resolves*:

(a) that the proposed changes to the Scheme of Delegation (Schedule 3 – Responsibility for Executive Functions), as set out in Appendix S, be approved;

(b) that the Head of Democratic Services & Elections and the Head of Legal and Governance Services & Monitoring Officer, in consultation with the Deputy Leader of the

Council, the Chairmen of the overview and scrutiny committees, the Chairman of the Audit Committee and one other Portfolio Holder (to be decided by the Deputy Leader), be authorised to draft a formal Executive-Scrutiny Protocol for this Council and to submit this to the Overview and Scrutiny Committees and Cabinet for adoption;

(c) that the Head of Legal and Governance Services & Monitoring Officer, in conjunction with the Head of People, Performance and Projects, be requested to review the Council's Whistleblowing Policy in order to make sure that it is robust and report any necessary amendments to the Human Resources and Council Tax Committee; and

(e) that the Head of Democratic Services & Elections be requested to incorporate within the Member Development Scheme regular training on overview and scrutiny matters (including, for example, on the clear division of responsibilities between the Council's scrutiny function and its audit function)."

Council further recalled that Cabinet, at its meeting held on 29 May 2020, had subsequently considered a report and appendices of the Corporate Finance and Governance Portfolio Holder in relation to recommended changes to the Constitution in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Contained within that report, inter alia, were further recommended changes to one of the Appendices attached to the previous Constitution Review Report that had been published for the agenda of Cabinet for its cancelled meeting in March 2020.

The proposed changes to the Constitution highlighted in Appendix E to the March Constitution Review report drew the distinction between the functions of the Executive, which still had 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 had been required to that Appendix because express reference to Supplementary Planning Documents (SPDs) in paragraph 8, 15 and 16 had not been amended. In accordance with the Functions and Responsibilities Regulations the Planning Policy and Local Plan Committee could only recommend SPDs onto Cabinet for approval.

Cabinet, at its meeting held on 29 May 2020, had therefore decided, inter alia:-

"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."

Council was made aware that the other changes to the Constitution, as approved by Cabinet at its meeting held on 29 May 2020, would be considered by Council at a later date.

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

RESOLVED that –

(a) the Council's Constitution be amended to reflect the proposed changes, as set out in the appendices attached hereto this report;

- (b) all changes come into effect from the date on which they are approved by Full Council (i.e. 21 July 2020);
- (c) Group Leaders be commended to strongly urge that all Members attend planning and licensing training events which would both increase the number of named substitutes that Group Leaders would have at their disposal as well as providing Members with greater knowledge of the workings of the Council that will prove useful to them in their Ward and wider representational roles; and
- (d) the Monitoring Officer be requested to undertake a review of the public speaking scheme for the Planning Committee, in accordance with Council Procedure Rule 40, as now amended.

7. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER - A.4 - PROGRAMME OF MEETINGS FOR THE PERIOD AUGUST 2020 TO APRIL 2021**

The Council had before it a report of the Assistant Director (Governance) & Monitoring Officer (A.4) which sought its approval of a proposed programme of meetings for the period August 2020 to April 2021.

Members were aware that the Cabinet was required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a programme of meetings for the forthcoming Municipal Year. However, due to the outbreak of Covid-19 and the ensuing global public health emergency, meetings of the Council (including the Annual Meeting), its Committees and the Cabinet had been unable to take place during March, April and early May 2020. Legislation had then been passed that permitted Councils not to hold an Annual Meeting in 2020.

In addition, Parliament had enacted 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") which enabled local authorities to hold meetings by 'virtual means' such as video conferencing and to 'live stream' those meetings in order to enable the public to watch, and/or listen to, the proceedings.

Council was informed that, with the approval of the relevant Chairmen, two Cabinet meetings, three Planning Committee meetings, two Planning Policy & Local Plan Committee meetings, two Resources and Services Overview and Scrutiny Committee meetings and one Standards Committee meeting had been arranged and successfully held under the new Regulations.

It had therefore been considered timely that a full programme of meetings for the remainder of what would have been the 2020/21 municipal year be submitted for Cabinet's endorsement at its meeting held on 26 June 2020 in order that it could then be submitted for approval to this meeting of the Full Council.

Further to minute 22 of the meeting of the Cabinet held on 26 June 2020 a draft programme of meetings for the period August 2020 to April 2021 was set out as an Appendix to the Officer report. (The dates of meetings from September 2020 onwards were the same dates as had been included within the published agenda for the March 2020 Cabinet meeting though Members were aware, of course, that that meeting had

had to be cancelled due to the country going into 'lockdown' for the Covid-19 emergency.)

At that meeting Cabinet had decided that:-

“(a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.2 of the Report of the Corporate Finance and Governance Portfolio Holder, be approved, in principle, and be submitted to the Full Council for formal approval; and

(b) the proposed dates for All Member Briefings be noted.”

Council was advised that the meetings of the Full Council, the Community Leadership Overview and Scrutiny Committee, the Human Resources and Council Tax Committee, the Licensing and Registration Committee and the Resources and Services Overview and Scrutiny Committee would normally commence at 7.30 p.m.

Meetings of the Planning Committee and the Planning Policy and Local Plan Committee would normally commence at 6.00 p.m. Meetings of the Planning Policy and Local Plan Committee would be arranged as and when required.

Meetings of the Standards Committee would normally commence at 10.00 a.m. and meetings of the Audit Committee would normally commence at 10.30 a.m.

Council was aware that it was expected that all meetings would continue to be held by virtual means in accordance with the Regulations for the foreseeable future.

However, if it did prove possible to hold 'physical' meetings either in whole, or in part, then meetings of the Full Council would usually be held in the Princes Theatre, at the Town Hall, Clacton-on-Sea. Meetings of the above-mentioned Committees would usually be held in the Council Chamber at the Council Offices, Thorpe Road, Weeley (subject to the provisos on the Council Offices, Weeley set out below) with the exception of the Audit Committee which normally met in the Connaught Room, at the Town Hall, Clacton-on-Sea.

Members were aware that Cabinet meetings were fixed by the Leader of the Council in accordance with Article 7.08 Cabinet Procedure Rules sub-section 1.1 of the Council's Constitution and that therefore the scheduling et cetera may change. If able to be held in a physical location then the public meetings of the Cabinet would normally commence at 10.30 a.m. in the Essex Hall, at the Town Hall, Station Road, Clacton-on-Sea.

The programme did not show meetings of the Sub-Committees, which were arranged either at meetings of the relevant Sub-Committee, or from time to time when required.

Dates for All Member Briefings had been included in order to assist Members in keeping their diaries up-to-date.

Closure of the Council Offices at Thorpe Road, Weeley

Council was aware that, as part of the "Transforming Tendring" project, the Council Offices at Weeley would be closed and the site disposed of, with the departments currently based at Weeley being moved to Clacton-on-Sea. This would obviously mean

that the current Council Chamber at Weeley would then no longer be available for Committee etc. meetings.

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

RESOLVED that –

- (a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.4 of the Report of the Assistant Director (Governance) & Monitoring Officer, be approved; and
- (b) the proposed dates for All Member Briefings be noted.

8. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) & SECTION 151 OFFICER - A.5 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2020/21 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it a report of the Assistant Director (Finance and IT) & Section 151 Officer (A.5) which sought approval of the Annual Capital and Treasury Strategy for 2020/21 (including the Prudential and Treasury indicators).

It was reported that, on 7 February 2020, the Corporate Finance and Governance Portfolio Holder had agreed the Annual Capital and Treasury Strategy for 2020/21 (including the Prudential and Treasury Indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

The Resources and Services Overview and Scrutiny Committee had considered the Strategy at its meeting on 17 February 2020 and had had no comments to make to Cabinet.

Members were aware that the Strategy had been included within the published agenda for the meeting of the Cabinet due to have been held on 20 March 2020. However, due to the outbreak of Covid-19 and the ensuing global public health emergency, that meeting of the Cabinet had been unable to take place.

Subsequently, on 24 April 2020, and in accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, the Leader of the Council had exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28] and had made the following decision on behalf of the Cabinet:

- (a) *That the outcome from the meeting of the Resources and Services Overview & Scrutiny Committee held on 17 February 2020 be noted; and*
- (b) *That the Annual Capital and Treasury Strategy for 2020/21 (including Prudential and Treasury Indicators) be submitted to Council for approval in accordance with the procedures contained the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.*

A copy of the published Corporate Finance and Governance Portfolio Holder's report, together with the Annual Capital and Treasury Strategy 2020/21, were attached as appendices to the Officer report.

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

RESOLVED that Council approves the Annual Capital and Treasury Strategy for 2020/21 (including Prudential and Treasury Indicators).

9. **REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.6 - PAY POLICY STATEMENT 2020/21**

The Chief Executive, Deputy Chief Executive, the Assistant Director (Governance) & Monitoring Officer and the Assistant Director (Finance and IT) & Section 151 Officer each declared an interest in this item and withdrew from the meeting during the consideration thereof and the voting thereon.

The Council had before it a report of the Assistant Director (Partnerships) which sought its approval of the Pay Policy Statement for 2020/21.

Members were reminded that the Localism Act 2011 Section 38(1) required the District Council to prepare a pay policy statement each year. The pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its work force, particularly its senior staff (or 'chief officers') and its lowest paid employees.

The matters that must be included in the statutory Pay Policy Statement were as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer.
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

It was reported that this statement would be published on the Council's website following each review and its approval by Full Council.

Council was made aware that the Human Resources and Council Tax Committee had reviewed the Pay Policy Statement and report at its meeting held on 24 February 2020. The Committee had recommended that Full Council adopted the Pay Policy Statement set out in Appendix A to the Officer report.

Members were informed that the Pay Policy Statement 2020/21 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance.

The framework aimed to ensure the ability of the Council to recruit talented individuals whilst reassuring the citizens of Tendring that their money was being used efficiently.

Council recalled that a major pay assimilation exercise had been carried out by the Council in 2018/19, in order to move across to the new nationally agreed pay bands for 2019/20. This had resulted in multiple inflationary variations across the pay scale. This exercise had been successfully completed following negotiations between the Council and Regional union officials.

It was moved by Councillor Chapman, seconded by Councillor Knowles and:-

RESOLVED that the Pay Policy Statement 2020/21, as set out at Appendix A to item A.6 of the Report of the Assistant Director (Partnerships), be approved and adopted.

The Meeting was declared closed at 4.38 pm

Chairman

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Questions pursuant to Council Procedure 10.1

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

Question One

From Andy Baker to Councillor Alex Porter, Leisure and Tourism Portfolio Holder:

“There have been two Landslips on the Cliffs in Holland-on-Sea just to the East of Flags Cafe, the most recent being at the beginning of the year. Since then the only action that appears to have been taken on the most Eastern slip is to remove the Beach Huts affected to another part of Holland on Sea, and clear away the debris.

On the other site there has been no action taken, until last week, to either remove the debris from the promenade, meaning it has been almost completely blocked to those with mobility issues using Wheeled Buggies or families with children in pushchairs.

What measures are being taken to ensure there are no further land slips at this location to ensure the safety of not only those using the promenade but also the footpath that runs above it, and what steps are being taken to ensure that the rest of the cliff face is not likely to suffer from the same problem and be safe to walk under?”

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COUNCIL

15 SEPTEMBER 2020

REPORT OF LEADER OF THE COUNCIL

A.1 EXECUTIVE DECISIONS TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISIONS TAKEN AS A MATTER OF URGENCY

(1) Submission of a Bid for the Future High Streets Fund and other related matters as part of the Rejuvenating Clacton Town Centre Project

On 16 July 2020, in view of the urgency of the issue concerned and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, the Acting Assistant Director (Building and Public Realm) (Andy White) sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor Stephenson) consent that the Cabinet's decision relating to, inter alia, the submission of a Bid for the Future High Streets Fund and other related matters be exempt from the Council's call-in procedure.

The Cabinet's decision taken at its meeting held on 24 July 2020 was as follows:

"That Cabinet –

- a) notes the progress of the bid for the Future High Streets Fund and the proposed submission of that bid on, or before, 31 July 2020;*
- b) approves, 'in principle', the addition of an allocation in the Capital Programme in order to facilitate substantial capital investment in Town Centre Proposals, subject to the normal approval and business case processes in respect of the detail of the schemes being developed;*
- c) approves, 'in principle', the acquisition of strategic property and the appropriation of currently owned property pursuant to the proposed schemes, subject to its specific approval of the terms and details in each case;*
- d) instructs Officers, in partnership with officers of Essex County Council, to continue the development of proposals within the scope of the bid (as set out in the Portfolio Holder's report) in anticipation of award of a significant grant. Such proposals to be subject to detailed business cases and a formal decision by Cabinet; and*
- e) instructs Officers, in partnership with officers of Essex County Council, to develop further complimentary outline proposals, in line with the bid proposals, for 'Back to Business' initiatives, the further rejuvenation of Clacton Town Centre and the enhancement of its links to the Seafront and all parts of the District. Such proposals to be subject to further funding reports and a formal decision by Cabinet."*

It was felt that any delay likely to be caused by the usual call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The deadline for submission of bids to the Ministry for Housing Communities and Local Government is 31 July 2020. Cabinet meets on 24 July 2020 and the normal five clear working days for call in means that the earliest date that the Cabinet's decision can be implemented is 3 August 2020.

Accordingly I seek your agreement to exempt the decision from call-in in order to allow the bid to be submitted.

As you will see from the report there is potential for some very substantial investment in the town centre that will be facilitated by a smaller net contribution by the Council.

The proposals have been the subject of wide consultation and engagement and final decisions on investment and detailed scheme, planning, contracts and the like will be

made at a later date provided that a grant is secured and a business case for the elements makes sense.”

BACKGROUND PAPERS

(1) Submission of a Bid for the Future High Streets Fund and other related matters as part of the Rejuvenating Clacton Town Centre Project

Letter dated 16 July 2020 from the Acting Assistant Director (Building and Public Realm) to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 17 July 2020 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the decision to be exempt from call-in.

Published Cabinet Decision of 24 July 2020.

APPENDICES

None.

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 6TH JANUARY, 2020 AT 9.30 AM
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Barry, Bray, Codling, Griffiths, Morrison, Placey and Turner
In Attendance:	Ian Davidson (Chief Executive), Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer) and Debbie Bunce (Legal and Governance Administration Officer)

40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Allen, with Councillor Placey substituting.

41. DECLARATIONS OF INTEREST

There were none at this time though later on in the meeting, as recorded below, Councillors Bray, Barry, Scott, Morrison, Turner and Codling each declared an interest in respect of the Local Council Tax Support Scheme Grant to Parish Councils in the Updated Financial Forecast for 2020/21 in that they were all current serving Members of Parish Councils..

42. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

43. UPDATED FINANCIAL FORECAST / BUDGET 2020/21

The Committee undertook its scrutiny of the Council's Revenue Budget Proposals, Capital Programme, Reserves and provisions and Fees and Charges based on the budget approved for 2019/20 and the in-year adjustments to that budget as approved by Cabinet.

The Chief Executive (Ian Davidson) attended the meeting and informed the Committee that the scrutiny of the budgets was an important part of the cycle and that the Committee would now be looking at the Housing Revenue Accounts Budget as well as the General Fund. He explained that there would still be some revenue support coming this year from the Government. The Chairman thanked the Chief Executive for his attendance and Mr Davidson then left the meeting.

In addition to the general role of the Committee in scrutinising the budget proposals as set out above, the Cabinet had requested this Committee's comments on the updated Financial Forecast/Budget 2020/21 which the Cabinet approved on 20 December 2019. The Committee were aware that an updated financial forecast for 2020/21 had been

prepared which reflected changes since Members had last considered this forecast in November 2019.

The Head of Finance, Revenues & Benefits Services (Richard Barrett), outlined the changes in the financial forecast since it had last been considered plus the possible implications for the future and answered Members questions.

Mr Barrett then drew to the Committee's attention the Updated Cost Pressure Summary for 2020/21 and responded to Members' questions thereon.

Councillors Bray, Barry, Scott, Morrison, Turner and Codling each declared an interest in respect of the Local Council Tax Support Scheme Grant to Parish Council's in the Updated Financial Forecast for 2020/21 in that they were all current serving Members of Parish Councils.

The Committee then decided what questions it wished to pose to Portfolio Holders in respect of the budget and underlining drivers and service levels that were used as determinants for budgeted sums to pay for those services. The Portfolio Holders would then be provided with the questions and invited to attend on 8 January when the Committee would reconvene after its programmed adjournment at the end of 6 January.

The Committee also considered comments and/or recommendations it might wish to submit to Cabinet in relation to the updated Financial Forecast/Budget 2020/21 (in response to the request from Cabinet).

The Committee then adjourned for lunch (1.00 p.m. – 1.30 p.m.).

44. HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2020/21

The Committee's undertook its scrutiny of the Council's Housing Revenue Account Budget Proposals 2020/21. As one part of this scrutiny, the Committee noted that Cabinet on 20 December 2019 had requested this Committee's comments on the Proposals.

The Head of Finance, Revenues & Benefits Services (Richard Barrett), explained what the Housing Revenue Account (HRA) budget was and how this worked. He then outlined the changes in the HRA Budget since it had last been considered plus possible implications for the future.

Mr Barrett then responded to Members' questions.

Following a discussion of the day's events the Chairman adjourned the meeting until 9.30 a.m. on Wednesday 8 January 2020 at which time the Committee would ask questions of certain members of the Cabinet with regards to service delivery matters related to items in the Budget/Financial Forecast that were relevant to their respective portfolios. The Committee would then formally decide what comments and/or recommendations it wished to submit to Cabinet in relation to the updated Financial Forecast/Budget 2020/21 and the Housing Revenue Account Budget 2020/21.

The meeting was declared closed at 2.50 pm

Chairman

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**MEETING OF THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY
COMMITTEE, HELD ON WEDNESDAY 8TH JANUARY, 2020 AT 9.30 AM IN THE
CONNAUGHT ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Barry, Bray, Codling, Morrison (item 45 (part) only), Placey (item 45 (part) only) and Turner
Also Present:	Councillor G V Guglielmi (Corporate Finance and Governance Portfolio Holder), P Honeywood (Housing Portfolio Holder), McWilliams (Partnerships Portfolio Holder), Porter (Leisure and Tourism Portfolio Holder) and Talbot (Environment and Public Space Portfolio Holder) (all present for item 45 (part) only)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)) and Andy White (Head of Property Services) (all present for item 45 (part) only)

45. SCRUTINY OF MEMBERS OF THE CABINET IN RESPECT OF SERVICE DELIVERY OF ITEMS IN THE UPDATED FINANCIAL FORECAST / BUDGET 2020/21 AND HRA BUDGET PROPOSALS 2020/21

Following the adjournment of its meeting held on 6 January 2020, the Committee resumed its scrutiny of the Financial Forecast / Budget Proposals for 2020/21 and HRA Budget Proposals 2020/21 as follows:-

Following the end of the meeting on 6 January, the questions that the Committee requested answers to were circulated to the relevant Cabinet Members and Officers in order to enable responses to be provided. Those questions and written responses received were circulated to Members of this Committee at the start of this reconvened session. They are appended to these Minutes.

Members of the Cabinet, accompanied by the appropriate Management Team Member or other Senior Officer, attended the meeting in turn and points of clarification, requests for amplification and other supplementary matters in respect of the written questions and answers formed the discussion with the Committee.

Having considered all of the information that had been provided, it was **RESOLVED** that the following **RECOMMENDATIONS** to be submitted to the Cabinet:-

1. Cabinet identifies a range of seafront enhancements/cliff stabilisation/beach protection arrangements, in consultation with seaside communities in the District (including relevant Town and Parish Councils) and seeks to fund these through an associated expansion of beach huts in those communities.
2. Cabinet instigates a review of the Public Conveniences Strategy with a view to realising the full benefits of the intended investment for all of the toilets being retained.
3. Commercialism should be a specific part of an existing Portfolio Holder's responsibility or that a new Portfolio position should be created to take forward

the agenda for commercialism as part of a means of contributing positively to meeting the budgetary pressures on the Council as identified in its MTFS.

4. Cabinet, as part of the budget development to support the corporate plan, looks favourably at providing sufficient funding for meaningful interventions for 2020-21 onwards that will support economic growth for businesses and key sectors such as energy.
5. Cabinet be recommended to approve the retention of the estimated surplus of £363K in the HRA from 2019/20 for capital investment in the Council's housing stock.
6. In view of the Government's unexpected continuation of Revenue Support Grant to this Council in 2020/21, Cabinet be recommended to approve the passporting of Local Council Tax Subsidy Grant to Parish/Town Councils in the District in 2020/21 to be confirmed on the same basis as previously.
7. Cabinet be recommended not to approve the proposed adjustment to the budget to remove expenditure of £68,250 based on the Government's commitments to exempt public conveniences from NNDR liability; as there is no indication that the necessary Parliamentary processes will be undertaken to introduce this measure.

It was further **RESOLVED** that the decisions concerning this Committee's work programming and the work programming of the Community Leadership Overview and Scrutiny Committee, as set out in the appendix to these Minutes, be approved.

The Meeting was declared closed at 1.50 pm

Chairman

APPENDIX

Resources and Services Overview and Scrutiny Committee Meeting 6&8 January 2020
Questions for Portfolio Holders on General Fund Items, the written
response and the decision of the Committee

Initial Question	Portfolio Holder	Written Response	Decision of the Committee
What plans are in place to expand the beach hut provision across the District as a means of generating both capital receipts and revenue to be re-invested in the service?	Leisure and Tourism Portfolio Holder	Foundation work on this project has been undertaken and formal consideration on the proposed plans will take place in the coming months. As Members will be aware we cannot generate a profit from this activity and as such we need to develop a pipeline project for service improvements and capital programmes to absorb any additional income	Recommendation that Cabinet identifies a range of seafront enhancements/cliff stabilisation/beach protection arrangements, in consultation with seaside communities in the District (including relevant Town and Parish Councils) and seeks to fund these through an associated expansion of beach huts in those communities.
The capital programme includes the sum of £64k for New Beach Huts and the Committee wish to know what plans exist for this investment to be made.	Leisure and Tourism Portfolio Holder	Foundation work on this project has been undertaken and formal consideration on the proposed plans will take place in the coming months.	See above
What is happening with the delivery of the Sport England funding bid project – a general update is required and any budgetary implications.	Leisure and Tourism Portfolio Holder	Sport England funding for families, poor mental health and older people in deprived areas is available directly as £800k for local projects, hubs and infrastructure with an overall local budget of £2.6m when including developing social movements, communications, workforce and evaluation. Money has been spent on community projects and larger projects are being worked up around Sport for Confidence and holiday hunger.	Noted that the Sport England Pilot was the subject of an All Councillor Briefing session on 9 January 2020 and that the Community Leadership OSC was scrutinising the arrangements on 13 January 2020.
What guarantees can be given that the Town	Leisure and Tourism /Deputy	The refurbishment is part of the transformation programme scheduled for 2020/21 and so	To monitor progress of the scheme over 2020/21.

<p>Hall/Princes Theatre Toilets are to be refurbished in 2020/21? And will the £1 ticket levy fee continue after the refurbishment</p>	<p>Leader and Corporate Finance & Governance Portfolio Holders</p>	<p>should be completed on time. The additional fee will continue and will be sued for other theatre refurbishments/enhancements</p>	
<p>In relation to the Tour de Tendring, what opportunities are we taking from this annual event</p>	<p>Leisure and Tourism Portfolio Holder</p>	<p>This event raises the profile of the District, with over 505 of participants historically living outside of Tendring. The influx of cyclists will have an impact on the local economy and improve the perception of the area as a quality place to live. There is an obvious extended benefit of promoting healthy and active lifestyles – together with many participants raising funds for charity. The cycling event is managed by an external organisation with facilitation and support from TDC. We are looking to potentially build this event into a week long cycling festival and I am working with officers to see if we can develop this opportunity for 2020 to tie in with the Mayflower celebrations and then on to following years.</p>	<p>To note that the Cabinet was informally considering the relative cost and benefits of extending the event to a week. If proposals were to come forward they could be subject of scrutiny.</p>
<p>Has the “Beside the seaside” programme been reviewed (as previously indicated) – and if so what was the outcome of it? Is there going to be another event in Frinton and what is this Council doing to support it? And is there a proposal for Brightlingsea?</p>	<p>Leisure and Tourism Portfolio Holder</p>	<p>The events have been reviewed and changes are being proposed for 2020’s events. Details of which will be put forward within the coming months. To date, there has been no proposal from Frinton Beach Hut Association for an event this year and although it is hoped these types of events can be rolled out to the wider District in future years, there will not be an event in Brightlingsea in 2020.</p>	<p>No further action.</p>

<p>Concerning the Council's Leisure Centre Strategy, is there any financial reason why it has not been completed as programmed.</p>	<p>Leisure and Tourism Portfolio Holder</p>	<p>The business case is still being developed and it is anticipated that it will be brought to Cabinet in February</p>	<p>The Resources and Services OSC will have an opportunity to undertake post decision scrutinise the Strategy once it is published.</p>
<p>Acknowledging the Council's Public Conveniences Strategy and the improvements to date, when do we expect other public toilets to be refurbished and is the money allocated for these?</p>	<p>Environment & Public Space Portfolio Holder</p>	<p>Having undertaken the refurbishment of Rosemary Rd, Harwich and Brightlingsea PC's I am now working with officers to consider the next phase of refurbishments. There is no specific budget for this as bids will be made via the capital budget allocation process.</p> <p>There is some existing money available for refurbishments to public toilets.</p> <p>£40,000 remains of the original capital amount set aside and some residual balance from the annual maintenance budget will allow for further works.</p> <p>The Public Realm service is required to report in more detail about a wider ranging refurbishment programme in line with aspirations contained in the public convenience strategy for Tendring and the possible means of funding before end of March 2020.</p> <p>In the meantime the service is currently upgrading the public toilets at Coronation / Bath House Meadow Walton and is improving public toilet facilities at Frinton playing fields as part of a joint initiative with the local sports club.</p>	<p>Recommendation that Cabinet instigates a review of the Public Conveniences Strategy with a view to realising the full benefits of the intended investment for all of the toilets being retained.</p>
<p>What provision has been made for</p>	<p>Environment & Public</p>	<p>There is currently one electric charging point on the High Street</p>	<p>No further action.</p>

<p>electric car charging points in the District and how far have we progressed this initiative?</p>	<p>Space Portfolio Holder</p>	<p>car park Clacton and a rapid charging point on Harwich Quay. The latter funded from a Highway England grant initiative.</p> <p>The service is working with the climate change committee / working party to develop further options for electric vehicles both purchase of them and provision for charging them inside the Council and for services to the public.</p>	
<p>The income from the brown bin green waste service is £700K per year and the PFH is asked to look at increasing that to £1m per year through either marketing of the service or increasing the fees for the service (or both).</p>	<p>Environment & Public Space Portfolio Holder</p>	<p>The service is currently marketed via the radio, our website, the collection calendars which are delivered to households every year along with advertising on the side of the collection vehicles. The service continues to grow year on year to an extent that this spring Veolia will be introducing a 3rd Garden waste collection vehicle to meet the growing customer demand which is now heading towards 10,000 customers. The current annual customer fee remains above the operational costs associated with providing the service and to increase the fee could be counterproductive in the planned organic growth of the service.</p>	<p>To include as part of the work programmed review of waste collection/recycling by the Committee as part of its February 2020 meeting. The written report should include the numbers subscribing, how has that compared over time, what is the tonnages of waste collected, what is the cost-income assessment for the service and how do charges compare with similar schemes?</p>
<p>Why are we still selling compostable bags that are not actually biodegradable?</p>	<p>Environment & Public Space Portfolio Holder</p>	<p>The use of non-compostable bags is supported by both ECC and the processing plant. Polyethylene bags are more robust, providing a better experience to households with them not ripping as the bags breakdown. All packaging is removed at the front end of the digestion process by the processors and with the bags being more robust this process becomes more efficient. The compostable bags were not liked by the farmers as they did not break down as quickly as they wanted so land where the</p>	<p>To include as part of the work programmed review of waste collection/recycling by the Committee as part of its February 2020 meeting.</p>

		material was being ploughed in was also strewn with what looked to be plastic when in fact it was the non broken down compostable bags	
What measures have been taken to increase recycling where wheelie bins have not replaced black sack collections	Environment & Public Space Portfolio Holder	The authority continues, where applicable to move properties which originally remained on a weekly collection, over to a fortnightly wheeled bin collection. Recycling containers remain free and readily available to all residents to recycle. In addition we will be looking to step up our recycling information campaign	To include as part of the work programmed review of waste collection/recycling by the Committee as part of its February 2020 meeting. The written report should include an assessment of the numbers of properties on black sack collections and the extent to which they are utilising red/green recycling boxes compared with those using wheelie bins and the measures taken/planned to increase recycling amongst this group.
Clacton cemetery – £170K has been set aside to prepare the anticipated expansion site for the cemetery – where are we with the delivery of this project/use of that budget?	Environment & Public Space Portfolio Holder	The project is ongoing and is due for completion in 2020/2021. The size of the extension has been revised to meet new expectations and budget available. The project work is anticipated to be out for tender before March 2020 with work commencing in summer 2020.	To monitor progress of the scheme over 2020/21.
What short term plans are in place for Clacton Town centre to improve its image – and specifically the anti-social behaviour officer and street cleaning? And where are we on the high street funding bid?	Partnerships /Environment & Public Space /Business & Economic Growth Portfolio Holders	A new street steam cleaner has been purchased and a crew trained in its use. This was initially put into use before Xmas and will be seen both in Clacton and other major towns going forward. This machine is very effective at pavement cleaning without damaging the surface material. The Anti- Social Behaviour Officer between Sept-Dec 2019 has undertaken 77 knife sweeps, engaged with local businesses (171 engagements), issued 12 warnings and undertaken 278 hours of foot patrol.	No further action.

		<p>Government grant of £150,000 has been received and this is being used to develop projects for the High Street Futures fund Stage 2 submission in line with the report agreed by Cabinet.</p>	
<p>An explanation is requested as to why only certain fees and charges are rising and many others are not. The general principle of using fees and charges to be commercial was also discussed.</p>	<p>Deputy Leader and Corporate Finance & Governance Portfolio Holder (and other Portfolio Holders as identified)</p>	<p>The budget report considered by Cabinet on 20 December 2019 set out a number of overriding principles that services need to take into account when setting fees and charges. This also needs to take into consideration the requirement of only being able to charge the reasonable cost of providing the relevant service.</p> <p>The Council cannot generate a profit from its activities and so we are only able to increase fees and charges where they do not lead to the creation of a profit, particularly where it is to cover a defined service cost such as energy used.</p> <p>Car park fees and charges and Crematorium / Cemetery charges were substantially increased for year 2019 /2020.</p> <p>It was considered prudent to not increase fees and charges again for 2020/2021 in order to ensure a balance is retained with fees charged by other local authorities, or competitors.</p> <p>A more significant review will take place when exploring and developing commercial ideas such as crematorium expansion / car park improvements.</p>	<p>To monitor intended changes to the approval arrangements, presentation (simplification) and justifications for changes/no increases over 2020/21.</p> <p>Recommended to Cabinet that Commercialism should be a specific part of an existing Portfolio Holder's Responsibility or that a new Portfolio Position should be created to take forward the agenda for commercialism as part of means of contributing positively to meeting the budgetary pressures on the Council as identified in its MTFS.</p>
<p>Office Transformation – Are we on budget? When is the project expected to be complete? How</p>	<p>Deputy Leader and Corporate Finance & Governance Portfolio</p>	<p>The overall expenditure against budget is overseen by way of the monthly budget monitoring report. The latest report at the time of writing (November 2019) shows expenditure in year of</p>	<p>To monitor progress of the scheme over 2020/21.</p>

<p>much of the reserve have we used to date?</p>	<p>Holder</p>	<p>£455,277.45 set against a budget for the year of 1,006,680. Significant further payments are likely prior to end of financial year but an amount will be requested for carry forward because payment progress by year end will not reach the profiled amount.</p> <p>Detailed monitoring of the cost of elements within the project is carried out within the project team. So far internal work at Pier Avenue has been completed in line with budget, Works at the former Westleigh House site were more costly than expected and costs for the external and extension works at Pier Avenue were increased by the delay caused by nesting birds. At present the overall project contingency has not been exceeded and the team will be undertaking some value engineering exercises on remaining phases to ensure that works are carried out effectively but also within the budget.</p>	
<p>IT transformation – is it on budget as it was stated it would save money but it looks like there are some expensive costs (including licence fees)?</p>	<p>Deputy Leader and Corporate Finance & Governance Portfolio Holder</p>	<p>The latest detailed position was set out in a report considered by Cabinet on 13 September 2019. It was recognised that there were a number of areas where costs had increased and a cost pressure has been included within the proposed 2020/21 budget based on the most up to date forecast. It is acknowledged that the IT environment is always subject to on-going change and there may be additional requirements over the period that the digital transformation programme is being rolled out, which would be subject to further reports where necessary.</p>	<p>To monitor progress of the scheme over 2020/21.</p>

<p>In respect of the emerging Local Plan, what, if any, are the financial decisions to be taken in 2020/21?</p>	<p>Deputy Leader and Corporate Finance & Governance Portfolio Holder</p>	<p>The Local Plan Section 1 is going through public examination. Information to support Section 2 is being prepared. No financial decisions for 2020/21 can be considered until the outcome of the Section 1 examination is known.</p>	<p>No further action.</p>
<p>In respect of the Manningtree underpass project, what are the officer time / cost implications of the project TDC is leading on?</p>	<p>Deputy Leader and Corporate Finance & Governance/ Business & Economic Growth Portfolio Holders</p>	<p>This project is based on seeking to develop short, medium and long term improvements to the access and roads infrastructure in and around the station. It is predominantly led by ECC. The Council's role at present is based on lobbying / facilitating rather than leading projects.</p> <p>There are no specific officer time / cost implications as it is a project within the Council's agreed priorities (i.e. core business).</p>	<p>No further action.</p>
<p>When are the delivery dates for the Starlings / Milton road sites and are we on target and budget for them?</p>	<p>Business & Economic Growth Portfolio Holder</p>	<p>The project is progressing on time and budget as per the report which was approved by Cabinet.</p>	<p>No further action.</p>
<p>How much money has been set aside for responding to issues arising from Brexit such as lorries being stuck at ports or en route.</p>	<p>Business & Economic Growth Portfolio Holder</p>	<p>Government has provided £321,000 to the Council in respect of ongoing Brexit activity. See below.</p>	<p>No further action,</p>
<p>What funds have been set aside to take advantages of Brexit? Have we spent all of the Government Grant available to us for Brexit preparations? Has the Felixstowe-</p>	<p>Business & Economic Growth Portfolio Holder</p>	<p>Government has provided £321,000 to the Council in respect of ongoing Brexit activity. To date £13,751 has been spent on preparatory activities. This is because the focus pre- election was on resilience in case of a 'no deal'. Allocation of the remaining funding will be considered as Brexit plans become clearer - this</p>	<p>No further action.</p>

<p>Harwich ports requirements been examined?</p>		<p>will likely focus on both resilience and economic opportunities.</p> <p>Felixstowe – Harwich port requirements have been considered as part of Brexit planning to date although the primary responsibility for this lies with the port operators.</p>	
<p>Support for businesses – will there be any further funding for the SME growth fund. If not what plans does the PFH have for the coming financial year to grow our economy? Can we have a list of the projects in the pipeline and those linked to Offshore renewables in Harwich, the A120 Corridor and the University of Essex – and Knowledge Gateway</p>	<p>Business & Economic Growth Portfolio Holder</p>	<p>The SME Growth Fund programme has fully allocated the approved budget. A review of the programme is being undertaken and this will include consideration of future funding.</p> <p>Currently officers are developing a series of interventions for 2020-21 onwards that will support economic growth for businesses and key sectors such as energy. Central to this will be further development of Tendring4Growth and business support.</p>	<p>Recommendation that Cabinet, as part of the budget development to support the corporate plan, looks favourably at providing sufficient funding for meaningful interventions for 2020-21 onwards that will support economic growth for businesses and key sectors such as energy.</p>
<p>Jaywick Sands – where is the budget to lay out 100 new homes? What is the future plans after the 10 Council homes being built? Will the 10 Council homes be completed in 2020?</p>	<p>Housing Portfolio Holder</p>	<p>The new homes will either be financed from borrowing or via capital funding from a Pension provider. This is still in discussion.</p> <p>After the 10 homes are completed we will work with the CCT to evaluate the emerging spatial plan and decide where the next phase of development will commence.</p> <p>Yes they will be completed in 2020 – they are already at first floor level</p>	<p>To monitor progress of the scheme over 2020/21.</p>

In addition to the above, the Committee agreed:

- (1) That, in view of the Government's unexpected continuation of revenue Support grant to this Council in 2020/21, Cabinet be recommended to approve the passporting of Local Council Tax Subsidy Grant to Parish/Town Councils in the District in 2020/21 be confirmed on the same basis as previously.
- (2) That Cabinet be recommended not to approve the proposed adjustment to the budget to remove expenditure of £68,250 based on the Government's commitments to exempt public conveniences from NNDR liability; as there is no indication that the necessary Parliamentary processes will be undertaken to introduce this measure.
- (3) That the Community Leadership OSC be requested to consider adding to its work programme:
 - a. The funding and outcomes of the Mental Health Hub;
 - b. A review of the Spendells proposed capital scheme and the contribution the scheme is intended to make to address homelessness.
- (4) That the possibility of including a visit to recycling facilities locally be put forward for inclusion as part of the annual visits to be organised as part of the commitments in the Councillor Development Statement for the Council.

**Resources and Services Overview and Scrutiny Committee Meeting 6
January 2020**

**Questions for Portfolio Holders on Housing Revenue Fund Items, the
written response and the decision of the Committee**

Question	Portfolio Holder	Written Response	Decision of the Committee
Can we use General Fund Disabilities Facilities Grant to fund HRA disabled adaptations?	Housing Portfolio Holder	No	To include as part of the Committee's work programme a review of Disabilities Facilities Grant arrangements; looking at numbers of requests over time, targets for completing assessments of requests, commissioning the works, undertaking of the works and payment for those works.
Why had direct expenditure on communal cleaning increased from £58.5k to £85.2k?	Housing Portfolio Holder	A combination of increased costs and increased service provision.	No further action.

<p>Are we proposing to spend money on climate emergency items such as LED lighting and solar panels in our council houses?</p>	<p>Housing Portfolio Holder</p>	<p>Energy efficiency improvements are already undertaken as part of the capital maintenance programme. Further works will be identified through the Climate Change Action Plan currently being developed. Currently we are replacing kitchen and Bathroom lights with LED lights. Street lights as they fail are also being replaced with LEDs. Communal lighting in sheltered blocks and flats are also being replaced with LEDs.</p>	<p>No further action.</p>
<p>How are we treating tenants on universal credit as evidence to suggest tenants are being faced with eviction even though there is a problem with their universal credit claim or delay in them receiving their money?</p>	<p>Housing Portfolio Holder</p>	<p>UC claimants are treated in the same way as HB. Eviction action will not be taken in cases where arrears are due to the UC system.</p>	<p>No further action.</p>
<p>Why has annual direct expenditure on repairs and maintenance budget not increased?</p>	<p>Housing Portfolio Holder</p>	<p>Until April 2020 the Council, like all social housing providers has had an imposed rent reduction of 1% annually imposed on its income stream. This has meant that budgets could not be increased</p>	<p>No further action.</p>
<p>What cost pressures are we likely to incur from honouring the works undertaken by ROALCO now that we cannot claim against them under warranties for</p>	<p>Housing Portfolio Holder</p>	<p>These are completely unknown but so far there appear to have been few and in any event most warranties expire after 6 months. Currently the work is being undertaken internally</p>	<p>No further action</p>

their work.			
What is the detailed annual Capital Repairs programme for the HRA – what is next up in terms of major schemes / works?	Housing Portfolio Holder	This is set out in the HRA capital report Currently preparing the programme for next financial year. Due to go to Tenants Panel in Feb 2020. Looking to focus on Environmental Improvements Schemes. Generally the Capital programme follows a similar path each year focusing on roof repairs, replacement windows, kitchens, bathrooms, lifts, asbestos removal etc.	That Cabinet be recommended to approve the retention of the estimated surplus of £363K in the HRA from 2019/20 for capital investment in the Council's housing stock.
For information, what are likely outcomes from the cross sector concerns regarding the Grenfell inquiry?	Housing Portfolio Holder	The Grenfell enquiry has only concluded phase one and it is likely that phase two will have more impacts for landlords. However, we are expecting an increased requirement in terms of fire safety, evacuation plans, inspections on a more frequent basis	No further action.
What is the plan regarding the £100k we have just received for Housing Survey in Jaywick Sands?	Housing Portfolio Holder	The plan is to survey all privately rented properties in Brooklands and wider if budget allows. The information gathered will inform future actions including lobbying Govt. for changes to LHA rate and additional staffing to tackle poor housing conditions identified.	No further action.

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Community Leadership Overview and
Scrutiny Committee

13 January 2020

MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE, HELD ON MONDAY 13 JANUARY 2020 AT 7.30 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY

Present:	Councillors Skeels (Chairman), Chittock (Vice-Chairman), Amos, Clifton, Davidson, Davis, King and M Stephenson
Also Present:	Councillors P Honeywood (Housing Portfolio Holder) (except Minutes 86-87) and McWilliams (Partnerships Portfolio Holder) (except Minutes 86-87)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Tim Clarke (Head of Housing and Environmental Health) (except Minutes 86-87), John Fox (Public Health, Wellbeing & Environmental Protection Manager) (except Minutes 86-87), Peter Russell (Executive Projects Manager - Housing) (except Minutes 86-87) and Katie Sullivan (Committee Services Officer)

79. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Miles (with Councillor M Stephenson as her substitute).

80. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 7 October 2019 were approved as a correct record and signed by the Chairman.

81. DECLARATIONS OF INTEREST

There were none on this occasion.

82. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

83. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee was aware that this report outlined any recommendations that it had made to the Cabinet, the Cabinet's response thereto and any relevant updates.

The Committee noted the contents of the report.

84. HEALTH AND WELLBEING

The Committee was aware that the aim of this item was to examine the plans for the locality of North East Essex (focussing in on Tendring) in respect of the developing Integrated Care System (ICS). The ICS envisaged integration including NHS bodies, local authorities, the voluntary sector and others working in the health and care sector to deliver positive change. The Committee looked at the progress to date and the short to medium term actions identified so as to identify whether the envisaged integration was

appropriate, occurring and delivering the stated aims. The ICSs, in partnership with local authorities, would (it was anticipated) increasingly focus on tackling the wider social determinants of health which included money, work, environment, housing and health inequalities in order to reduce the differences in health and life expectancy between the richest and poorest.

Councillor McWilliams, Portfolio Holder for Partnerships at the Council, was welcomed to the meeting for this item.

Mike Gogarty (Director of Public Health for Essex County Council) attended and provided the Committee with a presentation in regards to the current state of health in Tendring, as evidenced by the latest update to the Index of Multiple Deprivation, and what actions the County Council was proposing, both itself and working with partners to help deliver improved health. In his presentation, he pointed out the increasing deprivation in Tendring; particularly since 2010, such that it was by far the most deprived District/Borough in Essex. Within the District, by reference to previous District wards, the areas of highest deprivation were Golf , Pier, Rush Green, Alton Park, St Osyth & Point Clear and St Marys. When looking at these areas by reference to Parliamentary Constituencies, Clacton as a whole was the 14th most deprived Constituency out of 533 Constituencies in England in terms of employment. The comparable position for education deprivation showed Clacton as 21st worst Constituency.

Mark Jarman Howe (Chair of the North East Essex Local Health Alliance) also attended and provided the Committee with a presentation in regards to what the Alliance was and how to identify the work programmes it was undertaking to deliver improved health in the Tendring area and how it was working with partners to achieve that. In his presentation, Mr Jarman referenced integrated neighbourhood teams as an intention to drive forward an enhanced community model of care. The Alliance envisaged three neighbourhood teams for the District of Tendring; Tendring West, Tendring East and Tendring South. By reference to the former District Council Wards, the neighbourhoods would cover:

Tendring West	Tendring East	Tendring South
Ardleigh & Little Bromley	Ramsey & Parkeston	Golf Green
Lawford	Great & Little Oakley	St James
Manningtree, Mistley, Little Bentley & Tendring	Beaumont & Thorpe	Rush Green
Bradfield, Wrabness & Wix	Holland & Kirby	Bockings Elm
Great Bentley	Walton	Pier
Alresford	Harwich West	Alton Park
Brightlingsea	Harwich West Central	Peter Bruff

St Osyth & Point Clear	Harwich East Central	St Marys
Little Clacton & Weeley	Harwich East	St Johns
	Homelands	St Pauls
	Hamford	Burrsville
	Frinton	St Bartholomews
		Haven

In view of the data from the levels of deprivation, as presented by Mike Gogarty to this meeting, the initial focus of the Alliance was to establish the integrated neighbourhood team in Tendring South. In relation to integrated neighbourhood teams, Mr Jarman advised the Committee of the developing role of what was being style Primary care networks. Key measurable reported to the Committee in respect of Tendring South (that the integrated neighbourhood team would seek to address) were:

- Lower Life expectancy
- Smoking prevalence
- Fuel poverty
- Deaths from preventable causes
- Childhood development at age 5, GCSE achievement and excess weight.

Pam Green (Chief Officer for North East Essex Clinical Commissioning Group) also attended and provided the Committee with a presentation in regards to what actions the CCG was undertaking as part of the Alliance to deliver improved health within Tendring.

Following those presentations and information provided, Members asked questions which were responded to by Mike Gogarty, Mark Jarman, Pam Green and Councillor McWilliams (Partnerships Portfolio Holder), as appropriate.

In response to questions, Pam Green reported that the CCG was turning its attention to health service delivery at and from the Mayflower Health Centre in Harwich. She also spoke about the £15m of investment (announced in early 2019) for Clacton Hospital and that the CCG was bidding for a further allocation of funds which it hoped to add to the announced investment. The nature of the approvals mechanism in the NHS meant that a decision on the allocation of the additional funds was not imminent. The £15m would have to be spent within the next two years or it would need to be surrendered. She also spoke about the reconfiguration of GP services in respect of Kennedy House, Kennedy Way, Clacton-on-Sea.

Following discussion, it was **AGREED** that the Committee would receive, in a year's time, an update in terms of the progress made to reduce deprivation locally, to address

key health measures including through the intended integrated neighbourhood team for Tendring South. The update should also include the position on funding for primary care provision from the Clacton Hospital site and the operation of the reconfigured GP services from Kennedy House, Kennedy Way, Clacton-on-Sea. The provisional Work Programme for 2020/2021 would identify these matters.

85. HOMELESSNESS REDUCTION AND ROUGH SLEEPING STRATEGY

The Committee had before it the Council's draft Homelessness Reduction and Rough Sleeping Strategy 2019 – 2024 and accompanying Briefing Note which had been prepared by Peter Russell (the Council's Executive Projects Manager (Housing)).

Councillor Honeywood, Portfolio Holder for Housing at the Council, was welcomed to the meeting for this item.

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 and would run 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.

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 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. This had been 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 expires, the Council would produce an action plan to deliver the priorities identified in the strategy.

As part of the consultation process, it was felt that the Community Leadership Overview & Scrutiny Committee should have the opportunity to scrutinise the strategy and make any recommendations to the Portfolio Holder for Housing as necessary.

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 P Honeywood (Housing Portfolio Holder). 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, it was moved by Councillor Davidson, seconded by Councillor Davis and **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.

86. PERFORMANCE REPORT QUARTER 2 2019/20

The Committee had before it a report of the Head of People, Performance and Projects which presented the Performance Report for Quarter Two (July - September 2019) including the Corporate Plan 2020/24 and Priorities and Projects 2019/20.

The Committee was invited to scrutinise the performance monitoring system and whether it was capturing the right level of data to support delivery of the Corporate Plan and its priorities and projects, and to make recommendations thereon.

In addition, the Committee was requested to scrutinise whether there was performance, as identified in the monitoring data that warranted scrutiny of an activity and to determine whether and how that scrutiny should take place; including it as appropriate in the Work Programme.

Appendix A to that report contained details of the indicators and projects relevant to the terms of reference of this Committee. Those indicators and projects were deemed 'non measureable' as this Council's role was that of 'influence only'.

Members were informed that the Performance Report had been presented to Cabinet on 8 November 2019. Any feedback from this Committee would be presented to a future meeting of the Cabinet as a separate reference report.

The Committee noted the contents of the report.

87. REVIEW OF THE WORK PROGRAMME

The Committee had before it an updated work programme 2019/20. It was aware that Scrutiny must be Member led and as such the Committee was asked to consider the detail submitted and confirm or amend the scope of the reviews in the work programme.

This detail now included whether the relevant Portfolio Holder and others were to be invited to give evidence as part of those reviews and the expectations of this Committee for such scrutiny reviews.

Keith Simmons (Head of Democratic Services and Elections) informed the Committee that, at its meeting held on 8 January 2020, the Resources and Services Overview and Scrutiny Committee had made the following reference requests:

“That the Community Leadership Overview and Scrutiny Committee be requested to consider adding the following to its work programme:

- a) The funding and outcomes of the Mental Health Hub; and*
- b) A review of the Spendells proposed capital scheme and the contribution the scheme is intended to make to address homelessness.”*

During discussion, it was requested that the following also be added to the Work Programme for review (although programming of these would need to be undertaken once the reviews had been fully scoped):

- The use of the £100K grant funding received from the Government for a housing conditions survey in Jaywick Sands to help shape how the Council engages with landlords and improves conditions for anyone living in substandard accommodation.
- Rail Fares – the annual increase in fares and the impact on residents and the affordability of commuting from the area.

It was **AGREED** that the Committee would add all of the above items to its provisional Work Programme for 2020/2021 on the basis outlined.

The meeting was declared closed at 10.15 pm

Chairman

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Audit Committee

30 January 2020

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 30TH JANUARY, 2020 AT 10.30 AM
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Codling, King, Miles, Placey and Steady
In Attendance:	Ewan Green (Corporate Director (Planning and Regeneration)) (except items 20 (part) - 22), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Damian Williams (Head of Building and Engineering Services) (except items 20 (part) - 22), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Craig Clawson (Internal Audit Manager)
Also In Attendance	Nuwan Indika (Audit Manager)(representing BDO LLP, the Council's External Auditors) (except items 16 – 20 (part))

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Aphrodite Lefevre (Director & Engagement Lead for BDO LLP, the Council's appointed External Auditors).

17. MINUTES OF THE LAST MEETING

The minutes of the previous meeting of the Committee, held on 26 September 2019, were approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

20. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - PERIODIC REPORT ON INTERNAL AUDIT - SEPTEMBER TO DECEMBER 2019 AND QUALITY ASSURANCE IMPROVEMENT PROGRAMME

There was a report submitted by the Council's Internal Audit Manager (Craig Clawson) (report A.1) which provided a periodic update on the Internal Audit function for the period September to December 2019. The report was split into two sections as follows:-

- (1) Internal Audit Plan Progress 2019/20; and
- (2) Quality Assurance Improvement Programme.

(1) INTERNAL AUDIT PLAN PROGRESS 2019/20

It was reported that a total of eleven audits had been completed since the previous update given to Members in September 2019. A further ten audits were at the fieldwork stage and another four audits had been allocated to be completed.

Nine of the eleven audits had received a satisfactory level of assurance, however; two audits; Planning Enforcement and Housing Repairs and Maintenance, had received an overall audit opinion of 'Improvement Required'.

As there were a number of audits that were continuous or consultative, the Internal Audit Manager had provided the following summary of progress:-

Office Transformation Programme

The transformation board continued to meet on a regular basis to review progress with the Office Transformation Programme. No significant issues had been raised regarding operational processes or internal controls.

Digital Transformation Programme

At the last digital transformation meeting attended by Internal Audit, no operational or internal control concerns had been raised within the meeting. Cloud migration was the current priority within the programme.

The next phases of the programme had been discussed. As there was a lot of work being carried out within the Council depot as part of the Northbourne Security Review (which Internal Audit were supporting) it had been raised at the meeting that a new field management software was due to be implemented which would improve the efficiency of day to day operations and provide an electronic solution for Job and workflow management, scheduling and resource management and parts and stock management. It had been agreed that the IT Team would be involved in the process and determine how the new system would work with the Council's self-service objectives.

Project Management

As reported at the previous meeting of the Committee, the Project Management Board was now in place with projects being assessed under the previously reported headings and criteria in order to ensure adequate assessments of projects were undertaken to ensure all relevant information was available prior to the progression of a project.

No significant issues had been identified to date and the feedback from Officers had been positive as it had allowed constructive challenge to take place and further development of business cases prior to approval and progression.

Northbourne Security Review

As reported above, Internal Audit had been supporting the Head of Building and Engineering Services in improving the security arrangements of Northbourne Depot. An electronic gate was shortly due to be installed whereby only authorised personnel would have access. Improved CCTV was also being installed covering all areas of the Depot. A new field management system was also to be implemented in order to improve stock control, job and workflow management and scheduling efficient, logistical workloads.

Quality Assurance

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

Resourcing

At the previous meeting of the Committee it had been reported that a member of the audit team was on long term absence and another member of the team was on maternity leave. Both Officers had subsequently left the Council's employment.

An assessment of resourcing would be undertaken and an update would be submitted to the Committee at its next meeting to the Audit Committee in March 2020. In the short term, if any material resourcing issues arose, third party suppliers would be sought in order to cover any potential delays in the delivery of the Audit Plan.

Outcomes of Internal Audit Work

The Public Sector Internal Audit Standards required the Internal Audit Manager to report to the Committee on significant risk exposures and control issues. Since the last such report eleven audits had been completed and the final report issued. Two audits had received a 'Substantial assurance' audit opinion and seven had received an 'Adequate Assurance' audit opinion. The remaining two audits had received an 'Improvement Required' audit opinion. Those audits were in relation to Planning Enforcement and Housing Repairs and Maintenance. The significant issues arising and required actions were:-

(i) Planning Enforcement

The following significant issues and associated actions have been identified within the audit;

1. The current planning enforcement policy was dated November 2010. As well as questions whether the policy reflected current regulations, working practices and political thinking, it was noted that it also contained references to former council officers and former Government Departments.
 - *An up to date Enforcement Policy is to be reviewed and adopted, following correct authorisation.*
2. Once it had been established that a planning breach had occurred, a scored HARM assessment should be carried out and checked to evaluate whether further action and resource was justified. Throughout the audit, there were cases where no assessment could be located or had not been checked by the Planning Enforcement Manager, in line with guidance notes which provided evidence of an independent check.
 - *The format of HARM assessments is to be reviewed and adopted. Use of the form is to be incorporated within Officer Guidance and used and recorded appropriately on the Enforcement System.*
3. Planning Enforcement had use of the Enterprise module of the Planning Software. This was a real time monitoring software, which showed what stage each case was

at, and whether it had reached its milestone. Due to the amount of technically overdue cases, this was not used to manage cases effectively. In addition, it was advised that some of the target timings on the software were wrong.

- *Use of the Enterprise software and pre-set milestones to be reviewed and amended, in liaison with IT. Use of global or diverted Uniform diaries also to be investigated and solution sought to enable other officer's access to overdue case diaries, as appropriate.*
4. To provide an effective and timely enforcement service, potential breaches needed to be managed and a process followed. There had been cases where there had been large gaps between any actions being taken, which could give the impression of allowing breaches to progress or complaints being ignored. Due to a lack of consistent procedures and notes, it was problematic to know the exact status at a glance, especially if an officer had left the Council's employment.
- *All cases should have all activity, diary dates and next steps clearly recorded on the enforcement system, and officers reminded to this effect.*

(ii) Housing Repairs and Maintenance

1. Variation orders were not written down when changing the value of a job with a third party contractor, therefore no record was available to determine the nature of why the change had been required.
- *Written Variation orders to be enforced and retained. A linked process to be created to ensure these are managed and matched with invoices.*
2. The software used for Housing Repairs - Northgate - continued to lack full capability, with several sub-routines defective. Examples included reporting issues, adjusting Schedule of Rates items, and communication issues with third party e-mail recipients.
- *A workflow system will be installed and used as the default software for recording Building Repairs jobs. Also to be used for other functionality such as stock control and electronic ordering.*

(iii) Information Governance – GDPR Review

No significant issues had been identified during the review; however, an issue of non-compliance with the Data Protection Act 2018 had been identified for consideration along with proposed actions by this Committee.

1. There had been occasions in the past where personal and special category TDC data had been forwarded to personal emails by both Officers and Members. It was however recognised that this was for ease of use rather than anything malicious. However, Data Protection Act 2018 legislation, particularly Article 5, Paragraph 1(f), required personal data to be “processed in a manner that ensures appropriate security of the personal data”. The Council was unable to demonstrate compliance in this regard as personal devices and their cyber-security remained outside of the sphere of Council knowledge, control and management.

- *It is therefore recommended that Officers be reminded of the need to ensure that TDC data be retained within TDC encrypted, secure 'official' emails and not forwarded to personal emails. In respect of Members, the recommended control is that only Council issued equipment and email addresses should be used to prevent the need of forwarding data to personal emails and increasing the risk of non-compliance and the wider financial and reputational consequences if personal data is not secure.*

The IT & Resilience Team are reviewing this issue and exploring the most appropriate option in terms of providing the necessary equipment to Members.

Update on significant issues previously reported to the Audit Committee

Housing Allocations

(1) Allocations System

Agreed Action Update: A business case was currently being written to adopt a new allocations system via Housing Partners.

(2) Validation of Declarations

Agreed Action Update: The Housing Allocations Manager had been liaising with the Safer Communities Manager to determine the best way of getting relevant information quickly. TDC had adopted the Essex Wide Prisoner Release Protocol which had also been adopted by all other Essex Authorities. By being part of this group information relevant to a new applicant should be available.

(3) Scanned Documentation

Agreed Action Update: The Team had begun scanning documentation on to the Council's Corporate EDRMS System. They were currently working their way through the backlog of older hard copy files.

(2) QUALITY ASSURANCE IMPROVEMENT PROGRAMME UPDATE

The Internal Audit function was required to be assessed externally every five years on compliance with the Public Sector Internal Audit Standards (PSIAS). This had last been undertaken two years ago and actions from that assessment had been implemented as previously reported to the Committee. Within the five year assessment period, Internal Audit were required to undertake a periodic self-assessment against the PSIAS in order to develop a Quality Assurance Improvement Programme (QAIP). The QAIP had now been completed identifying areas where further development and partial compliance had been recognised.

The QAIP was before the Committee as Appendix B to the report. Actions and target dates had been attached against the standards where further development was required.

The Council's Head of Building and Engineering Services (Damian Williams) attended the meeting and answered Members' questions in relation to improving the security arrangements of Northbourne Depot and the implementation of a new field management

system in order to improve stock control, job and workflow management and scheduling efficient, logistical workloads.

Mr Williams also gave an update on the Council's business continuity response following the liquidation of ROALCO, the Council's former external contractor for repairs and refurbishment of the Council's housing stock and answered Members' questions thereon.

The Council's Corporate Director (Planning and Regeneration) also attended the meeting and answered Members' questions in relation to the significant issues and associated actions that had been identified within the audit of Planning Enforcement.

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

RESOLVED that –

- (a) the contents of the periodic report be noted;
- (b) the Quality Assurance Improvement Programme be approved and periodically assessed in order to ensure the actions within it are implemented;
- (c) the Committee supports the implementation, as soon as possible, of the proposal set out within the report for providing the necessary IT equipment and training to Members to ensure that only Council equipment is used when conducting Council business in order to reduce the financial and reputational risk associated with processing personal data; and
- (d) the Corporate Director (Planning and Regeneration) be invited to attend to give updates to the Committee, when sufficient material information is available, on the implementation of the action plan arising from the recent audit of Planning Enforcement.

21. REPORT OF HEAD OF FINANCE, REVENUES AND BENEFITS & SECTION 151 OFFICER - A.2 - CORPORATE RISK UPDATE

There was submitted a report by the Council's Head of Finance, Revenues and Benefits & Section 151 Officer (report A.2) which presented for the Committee's consideration the updated Corporate Risk Register.

Members were reminded that the Corporate Risk Register was regularly updated, and submitted to the Committee every six months, with the last such occasion being in July 2019. At that meeting the Committee had agreed a change to the format of the Risk Register. That new format was reflected in the current Risk Register which was attached as Appendix A to the aforementioned report.

The following table summarised the position at the end of the latest review period with updated information provided within the Register where necessary:-

Item	Number
New Risks Identified	0
Risks Removed	1

Risk Score Amended	2
Risks Under Review	0
Risks Amended	Various

Corporate Risk Management Framework

Members were made aware that this was currently being reviewed in order to reflect the new risk register format and would be presented as part of the next six monthly risk update. However, there were no underlying changes that had a direct impact on the management / control of risk within the Council.

Corporate Risk Register

It was reported that since the Corporate Risk Register had been reported to the Committee in July 2019, no new risks had been identified. However, all existing risks identified would continue to be reviewed throughout the year and any necessary changes would be reported to the meeting of the Committee due to be held in July 2020.

For completeness, the following table set out all amendments to the risk register since it had last been considered by the Committee in July 2019:-

Risk Register Item	Amendments / Comments
New Risks Identified	None
Risks Removed	One 6d Virus/Malware – item removed as forms part of more general risks (1d and 6a)
Risk Scores Amended	Two 1b Catastrophic IT network failure – inherent risk amended from 15 to 10 to reflect the current status / control arrangements 9a Ineffective Emergency Planning – residual risk reduced from 6 to 4 to reflect latest action status / control strategy
Risks under review	None
Risks Amended	Following the move to a new risk register format, the opportunity has been taken by each relevant Head of Service to review and amend many of the current actions / control status sections of the

	register in order to reflect the most up-to-date position and new information requirements.
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Having considered the information provided it was:-

RESOLVED that -

- (a) the updates provided to the current Corporate Risk Register be noted; and
- (b) the Committee be updated on any changes to the risk ratings/scores in relation to Risk 2f – Garden Communities.

22. REPORT OF THE HEAD OF FINANCE, REVENUES AND BENEFITS & SECTION 151 OFFICER - A.3 - TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Head of Finance, Revenues and Benefits & Section 151 Officer (report A.3) which presented to the Committee the progress on outstanding actions identified by the Committee.

The Committee was informed that there were usually two appendices to this report which would contain: 1) updates against general issues previously identified by the Committee; and 2) updates against the Annual Governance Statement that the Committee had agreed at its July meeting each year.

Members were made aware that, as there were no outstanding actions in respect of general issues identified by the Committee, only updates against the Annual Governance Statement had been included and were detailed in Appendix A to the report.

It was reported that, to date, there were no significant issues arising from the above, with work remaining in progress or updates provided elsewhere on the agenda, where appropriate.

Councillor Placey reminded the Committee that, at its last meeting, it had decided that a letter should be sent in the name of the Chairman of the Committee to strongly urge all Members to attend all Members' Briefings and that such letter also requested feedback from non-attending Members as to the reasons why they were unable/unwilling to attend Members' Briefings. However, such letter had not yet been sent.

Having considered the above and having discussed the contents of the report and its appendix it was:-

RESOLVED that -

- (a) the progress made against the Annual Governance Statement actions be noted; and
- (b) a letter should be sent jointly in the names of the Chairmen of this Committee and of the Standards Committee to strongly urge all Members to attend all Members' Briefings and that such letter also:-

- (1) requests feedback from Members as to the reasons why they were unable/unwilling to attend Members' Briefings;
- (2) requests their suggestions on how the organisation of those Briefings could be improved e.g. arranged on different days and/r at different times of the day; and
- (3) inform Members that the letter has been sent because this Committee is concerned about the reputational risk to the Council arising from low Member attendance at the Briefings together with the financial cost to the Council of arranging such Briefings.

The meeting was declared closed at 12.07 pm

Chairman

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Community Leadership Overview and
Scrutiny Committee

3 February 2020

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 3RD FEBRUARY, 2020 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Skeels (Chairman), Chittock (Vice-Chairman), Amos, Clifton, Davidson, Davis and Miles
In Attendance:	Anastasia Simpson (Head of People, Performance and Projects), Rebecca Morton (Executive Projects Manager), Debianna Messenger (Work Based Learning Manager) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	Claire Kershaw (Director of Education, Essex County Council), Stephen Chynoweth (Head of Education and Early Years, Essex County Council) and Kevin Wilby (School Organisation Officer, Essex County Council)

88. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor King with no substitute.

89. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 13 January 2020 were approved as a correct record and signed by the Chairman.

90. DECLARATIONS OF INTEREST

Councillor Clifton declared that, in relation to Agenda Item 7, Work Programme – Scrutiny of Proposals for the Next Municipal Year, he had a personal interest in that he organised Firework Displays.

Councillor Miles declared that, in relation to item 6, Education, Economy and Skills, she had a personal interest insofar as she was a School Governor.

91. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

On this occasion no Councillor had submitted a notice of a question.

92. RECOMMENDATIONS MONITORING REPORT

The Committee was aware that it would normally receive the updated Recommendations Monitoring Report which outlined any recommendations that the Committee had made to Cabinet but on this occasion there was no such report.

93. EDUCATION, ECONOMY AND SKILLS

The Council's Work Based Learning Manager (Debianne Messenger) gave a presentation on Apprenticeships which included information on "What is an Apprenticeship", Education and Skills Funding Agency, Ofsted Monitoring Visit and current successes.

Following Members questions, the Work Based Learning Manager was thanked for her presentation and the Committee congratulated the team for their successful apprenticeship provision.

Claire Kershaw (Director of Education), Stephen Chynoweth (Head of Education and Early Years) and Kevin Wilby (School Organisation Officer) all from Essex County Council also attended the Committee and gave a presentation to the Committee which included an analysis of the performance of schools in the District of Tendring against other Districts in Essex and England Averages. This also included statistics on Early Years (Good Level of Development at 5 years old), End of Primary School (KS2 RWM outcomes for 11 year olds) and End of Secondary School (KS4 English and Maths 16 years old). The Committee looked at the statistics for Tendring against the rest of Essex and England. The Director of Education explained the reasons behind those figures.

There was also information was also provided regarding the South Tendring Primary Partnership, the Harwich Education Partnership, the Mid Tendring Education Partnership, the Colne Cluster (East Tendring) and the Stour Education Partnership, where schools were grouped into areas and worked in partnership with each other in order to lead their own improvements.

Further information was submitted regarding school organisation in respect of school places and about the way that the County Council was dealing with expanding schools where needed.

It was also noted that the current 6th Form at Clacton County High School would be moving to the Tendring Education Centre (former Bishops Park School) in Jaywick from September. This would then create room at Clacton County High School for expansion.

Members asked questions regarding extra school places being needed in areas of the District where house building was prolific, especially in the Kirby and Walton-on-the-Naze areas and were assured that the Education Team had undertaken a study whereby they could gauge what provision would be needed going forward and that they were already planning for expansion in various schools across the District.

Following questions and discussion, Clare Kershaw, Stephen Chynoweth and Kevin Wilby were thanked for their presentation and their time.

The Council's Executive Projects Manager (Rebecca Morton) then provided an update report to the Committee on the Education and Skills agenda within the District.

Members were aware that the Council's Corporate Plan 2020-2024 placed Community Leadership at the heart of everything and within that context a number of projects were being undertaken by the Council to support children and young people and their families in the District. Whilst Essex County Council had the statutory responsibility for Education, the report aimed to summarise key work supported by the Council which

included work undertaken/supported by officers in the People, Performance & Projects, Health, Community Safety and Regeneration teams.

Education

The priority had been to ensure that partnership working continued to be effective and that the Council continued to provide support, encouragement and commitment to working collaboratively with schools to improve school attainment levels and raise aspirations and opportunities for children and young people across the District.

The work being undertaken to support the Education agenda also supported both the Essex and Tendring Children & Young People's Strategy 2016 and Tendring's Delivery Plan 2019/2020. Tendring's priorities were:-

1. **Start Well** – to continue to support schools in improving and maintaining attainment levels, and a positive experience and opportunities through school to allow each child to achieve their full potential
2. **Stay Safe** – children and young people feeling safe in their community
3. **Mental Health & Emotional Wellbeing** – enjoying good mental health and wellbeing
4. **Positive Futures** - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing.

The Executive Projects Manager also provided the Committee with an update on the following items:-

1. Education – Start Well, Raising Aspirations and Positive Futures
2. North East Essex Teacher Training
3. Teach First
4. IntoUniversity
5. School Places
6. Young People Not in Education, Employment or Training (NEET)
7. Start Well/Stay Well – Mental Health & Wellbeing

Following discussion it was **RECOMMENDED TO CABINET** that:

Members consider becoming School Governors as it provides both support for schools and also an opportunity to develop a greater understanding of schools and education.

94. WORK PROGRAMME

The Committee had before it a draft detailed Work Programme for 2019/20. It was aware that Scrutiny must be Member led and as such the Committee were asked to consider the detail submitted and confirm or amend the scope of the reviews for the remainder of the municipal year.

The Committee considered the Work Programme and it was decided that the Leisure and Tourism Portfolio Holder (Councillor Porter) be invited to the next meeting of the Committee on 6 April 2020.

The Committee also had before it a document detailing the scrutiny already undertaken by the Committee during this municipal year.

The Committee had a discussion and it was **AGREED** that:

(a) Once the list of scrutiny proposals for the next municipal year, the item on rail fares includes buses and

(b) the item in respect of Mitigation Measures for the Impact of Public Fireworks Displays have a separate sub-group of the Committee which could look into this item in detail and report back to the Committee on its findings.

In respect of (b) above, Councillor Clifton agreed to contact the Head of Democratic Services and Elections (Keith Simmons) to discuss setting up this sub-group.

The meeting was declared closed at 9.25 pm

Chairman

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Standards Committee

5 February 2020

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 5TH FEBRUARY, 2020 AT 10.00 AM
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Dan Land (Chairman), Maurice Alexander, Peter Harris, Jo Henderson, Graham Steady and Ann Wiggins
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	Clarissa Gosling, David Irvine and Jane Watts (three of the Council's four appointed Independent Persons)

19. ELECTION OF A VICE-CHAIRMAN OF THE COMMITTEE

The Committee gave its consideration to the office of its Vice-Chairman which was vacant following Councillor Amos' replacement as a member of the Committee by Councillor Alexander.

It was moved by Councillor J Henderson, seconded by Councillor Wiggins and:-

RESOLVED that Councillor Steady be elected Vice-Chairman of the Committee for the remainder of the 2019/2020 Municipal Year.

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Overton (with no substitute) and Sue Gallone (one of the Council's appointed Independent Persons).

21. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on 2 October 2019 were approved as a correct record and signed by the Chairman.

Further to Minute 15 of the aforementioned Minutes and in regards to the possible provision of a general indemnity cover for Members, Officers and, in particular, the Independent Persons, the Monitoring Officer informed the Committee that the Head of Finance, Revenues and Benefits Services had requested a formal report from the Council's Insurers on the present level of cover and the potential future cover and that an Officer report on this issue would be submitted to the next meeting of the Committee.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

23. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

24. REPORT OF THE MONITORING OFFICER - A.1 - DISCLOSURE AND BARRING CHECKS FOR ELECTED MEMBERS

The Committee gave consideration to a detailed report of the Monitoring Officer (A.1) which reported the outcome of an investigation into the feasibility of introducing Disclosure and Barring Services (DBS) checks as mandatory for all elected Members (having had regard to the statutory criteria).

The Committee recalled that, at its meeting held on 2 October 2019, it had received a further report of the Monitoring Officer concerning the recommendations within "the Local Government Ethical Standards Report dated January 2019 following a review by the Committee on Standards in Public Life". The Report had set out those recommendations which required legislative changes and those which the Council could adopt through best practice. Following consideration of the report the Committee had resolved that the Monitoring Officer investigate the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria) and to report the outcome of such investigation to a future meeting of the Committee.

Members were made aware that, at its meeting held on 23 October 2019, the Human Resources and Council Tax Committee had also requested that the Council gives due consideration as to whether it should conduct DBS Checks on Elected Members.

The Human Resources and Council Tax Committee had determined that it was appropriate for them to consider this matter in the light of its legal duties in respect of safeguarding children and adults with needs for 'care and support', as defined in legislation including the Children Act 2004 and the Care Act 2014. The Human Resources and Council Tax Committee had resolved the following:

"That the Deputy Chief Executive be requested to investigate the appropriateness and practicalities of introducing DBS checks for all Elected Members of Tendring District Council (such as the budgetary and legal ramifications) and that the outcome of such investigations be reported to a future meeting of the Council (having first been submitted to the Standards Committee for its recommendations) for its consideration and determination."

That investigation process had involved:

- a review of the approach taken by other local authorities regarding the introduction of DBS check's for Elected Members;
- engagement with Legal, Financial and Democratic Services regarding the practical implications of introducing such a policy.

It was reported that, prior to 2012, Local Authorities had routinely carried out Criminal Record Bureau (CRB) checks on Elected Members. However, the [Protection of Freedoms Act 2012](#) had created the [Disclosure and Barring Service](#) and a new system of checks. This had included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors had become a policy matter for individual Councils.

The Committee was advised that Standard and Enhanced DBS checks could only be undertaken if the specific role, or the specific activities carried out within the role, were included in the [Rehabilitation of Offenders Act \(ROA\) 1974](#) (Exceptions) Order 1975

(access to standard DBS certificates), and were also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) Regulations (access to enhanced DBS certificates). Those laws only provided eligibility for DBS checks, they did not make them a requirement.

Members were informed that decisions on when and whether to undertake a DBS check were for the relevant employer or regulator to make. If the Council were to consider asking a person to apply for either a standard or enhanced DBS check, as the employer, the Council would be legally responsible for making sure the job role was eligible. There was currently no legal basis on which the Council could currently require or seek either Enhanced or Standard DBS Checks for Elected Members as the role did not constitute a 'named position' eligible for checks, and Ward Councillors did not carry out '[regulated activity](#)' as defined by the Freedom of Information Act 2012.

The Committee was of course aware that some Elected Members may have had DBS checks, albeit in another capacity, for example if they were a School Governor.

It was reported that Elected Members who did not carry out any of the specific educational and/or social service functions but who did attend community events, take surgeries or visit local residents in their own home where they had access to the general public, including children, did not meet the legislative criteria, as outlined above. However, a Basic Check could be requested.

It was further reported that, although the legislative framework allowed discretion on the issue of Basic checks those Basic checks would only show "Unspent Convictions & Cautions" from the Police National Computer (PNC), (i.e. *those that were considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974*). Those checks would not show spent convictions, cautions, warnings, reprimands, other relevant police information, or the children or adults barred list and were therefore often considered to be of limited value. In addition, those Basic DBS checks would also need to be applied for by the individual themselves via the Government Website.

The Committee was aware that its Terms of Reference were to promote and maintain high standards of conduct by Members and Co-opted Members of the authority and to inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints. No concerns had been raised through the determination of Code of Conduct complaints which would give justification to requiring a mandatory scheme of basic DBS checks for elected Members.

Members were informed that, in September 2017, the Department for Communities and Local Government had consulted on proposals to update the disqualification criteria for councillors and Mayors in order to bring it into line with both modern sentencing practice and the values and high standards of behaviours the electorate had a right to expect of the elected Members that represented them.

The Government had considered that there should be consequences when councillors, mayors and London Assembly members fell short of the behaviour expected in an inclusive and tolerant society and where that behaviour had led to a conviction or enforcement action resulting in an individual being subject to one or more of the following:

- the notification requirements set out in the Sexual Offences Act 2003;

- a civil injunction granted under Section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

The Committee was reminded that this Council had responded to the consultation supporting those proposals. Any changes to the disqualification criteria would require changes to primary legislation. In October 2018, the Government had published its response to the outcome of the consultation stating that they would seek to legislate in order to ensure that councils across England would have the power to prevent individuals from standing for election or holding office as local authority members or Mayors.

It was reported that Colchester Borough Council, at the request of its Governance and Audit Committee, had considered whether it should implement Disclosure and Barring Service checks for Elected Members. Their investigation into the matter had included obtaining information on the approach of neighbouring, second tier local authorities, towards DBS checks (*both in October 2017 and February 2018*), to which they had reported, all eight responses had confirmed that no checks (*including Basic Level checks*) were carried out by neighbouring authorities.

Members were advised that a similar exercise had been undertaken by Harlow Council in 2019, they had reported that the following Councils: *Dacorum, Maldon, Castle Point, East Herts, Colchester, Brentwood, Basildon, Welling & Hatfield, Chelmsford, Braintree, Stevenage, Uttlesford and Epping Forest*, had each responded to confirm that they did not carry out DBS checks on Councillors. Following their research, Harlow Council was not proposing to start carrying out DBS checks on its Elected Members.

It was the conclusion of the Monitoring Officer there was no legal basis on which the Council could currently require or seek either Enhanced or Standard DBS Checks on Elected Members. Although the legislative framework allowed discretion on the issue of Basic Checks, there was no clear case for the introduction of such a measure: Basic checks revealed "Unspent Convictions" only, and were therefore of limited value, and there was no clear framework for the enforcement of such a policy as it was not required in law.

Having considered and discussed the information provided in the Monitoring Officer's report and whether the Council had a Safeguarding Policy, which gave advice and guidance to elected Members in fulfilling their functions and the legal advice provided by the Monitoring Officer:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

RESOLVED that the Committee –

- (a) notes the outcome of the investigation into introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria);
- (b) endorses that the Council continues with its current approach of not requiring or seeking DBS checks for Elected Members;

- (c) recommends that should a Tendring District Councillor wish to pursue their own Basic DBS Check, then the cost should be reimbursed to that individual councillor; and
- (d) requires that a review of the Council's Safeguarding Policy be carried out and reported back to the next meeting of the Committee and that such a review focus on the role and activities of Members in their Ward work and:-
 - (1) whether examples of best practice and guidance can be issued to Members to assist them in handling or avoiding problematical situations; and to
 - (2) investigate what reasonable and practical steps can be taken to ensure that Members have considered and taken on board the contents of the Safeguarding Policy.

25. REPORT OF THE MONITORING OFFICER - A.2 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

There was submitted a report (A.2) by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of their membership on those committees which provided regulatory type functions. The report also detailed training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had attended the new Code of Conduct training in May 2019 (which had previously been reported to the Committee at its meeting held in July 2019). Since then two additional District Councillors had received training which had been delivered at Harwich Town Council in December 2019. The Monitoring Officer confirmed that due to the type of matters considered by the Standards Committee, each topic involved consideration of the relevant factors and in doing so the Committee received a range of information to take into account. When hearings were required to determine the outcome of Members' Code of Conduct complaints a briefing would be held with the Committee beforehand, though no hearings had been undertaken so far in 2019/20.

The Committee was made aware that, in February 2020, the Monitoring Officer would be delivering two training sessions to Parish and Town Councillors. Invites would also be sent to those District Councillors who had yet to receive the required training for this year. The Monitoring Officer informed the Committee that at the first of these training sessions held on 4 February 2020 three additional District Councillors had received Code of Conduct training. This left a total of 11 District Councillors outstanding.

Appendix B to the report provided details of the Planning Committee Mandatory Training for 2019/20. The Committee noted that a range of subjects had been delivered, with concentration on determining applications being included within the post Council elections training for newly elected Members, Appeals and Affordable Housing. Those sessions were essential to understanding the various considerations to be taken into account by the Planning Committee when making decisions on applications. It was reported that a further session was scheduled for 28 January 2020 which would cover

the Planning Inspector's decisions with regard to the planning enforcement appeals at Point Clear, St Osyth. The Monitoring Officer verbally reported at the meeting that all members of the Planning Committee had attended that session.

Appendix C to the report detailed the training record for the Licensing and Registration Committee. As usual only one session had been delivered (in June 2019) but it had covered a range of topics. Two additional 1-2-1 training sessions had been delivered to members of that Committee who had either been unable to attend the first session or had been newly appointed to the Committee.

In respect of the Audit Committee the Committee was informed that the Head of Finance, Revenues and Benefits & Section 151 Officer had undertaken general Audit Committee post-election induction training for all members of the Committee prior to its first meeting in the current municipal year.

The Committee was reminded that in order to ensure that the training was successful and the principles had been understood by Members, each session had tended to have a workshop style question and answer session at the end. This style had been adopted by the Licensing and Registration and Planning Committees' training sessions and had worked well for both Members and officers and had encouraged debate.

Members were made aware that the Audit Committee, at its meeting held on 30 January 2020, had decided that a letter should be sent jointly in the names of the Chairmen of the Standards Committee and of the Audit Committee to strongly urge all Members to attend all Members' Briefings and that such letter also:-

- (1) requests feedback from Members as to the reasons why they were unable/unwilling to attend Members' Briefings;
- (2) requests their suggestions on how the organisation of those Briefings could be improved e.g. arranged on different days and/or at different times of the day; and
- (3) inform Members that the letter has been sent because there is concern about the reputational risk to the Council arising from low Member attendance at the Briefings together with the financial cost to the Council of arranging such Briefings.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Wiggins and:-

RESOLVED that the Committee -

- (a) notes the contents of the report and its Appendices;
- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training events in order to comply with the requirements of the Council's Constitution;
- (c) requests the Review of the Constitution Portfolio Holder Working Party to investigate whether it would be feasible for the Planning Committee to have a pool of trained Members who could be drawn on to be a substitute Member(s) at a Planning Committee meeting in order to maintain its level of membership and protect the probity of that Committee. Such investigation would be required to focus on, but not be limited to, issues such as:-

- (1) the legal basis of such a pool e.g. the rules of political proportionality; and
 (2) the implications for the Council's Constitution e.g. ensuring that the choice of substitute remained with the relevant Political Group Leader;
- (d) requests Officers to investigate alternative ways of providing Code of Conduct training to Members e.g. via an on-line mechanism, with a view in the longer term to making undergoing training on the Code of Conduct a mandatory requirement for Members; and
- (e) requests that, within the joint letter referred to above, the importance of Members' attendance at Code of Conduct training be included and that the schedule of Member attendance at Code of Conduct training shown in Appendix A be attached to that letter.

26. QUARTERLY UPDATE ON COMPLAINTS

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on cases, without providing any names, and went through it with the Committee.

The Monitoring Officer stated that there were no existing cases but that there were a number of new cases and she gave details as follows:-

New Cases since last update:				
Council	Complainant	Current Status	Final Outcome	Comments
Parish	Member of the Public	Closed	No further action	Related to comments on Facebook made by Chairman of a Parish Council on its behalf – considered a right to respond to Complainant's initial comments on social media regarding the Parish Council's actions. The Parish Council Chairman did not name the individual and a reasonable general response had been issued.

Parish	Member of the Public	Independent Person consulted – Decision Notice to be issued	Pending	Likely to recommend informal resolution to improve relationships within the Parish.
District (x2)	Member of the Public	Complaint to be sent to Councillors concerned to comment on	Pending	Relates to accessibility of Ward Councillors to those who do not have access to the Internet.

The Committee was also made aware that the Monitoring Officer had delivered a refresher session on the Code of Conduct to Harwich Town Council in December 2019 together with further training delivered to a number of Town and Parish Councillors on 4 February 2020. Both had been well-received with positive feedback. A further session had been arranged for 18 February 2020.

It was reported that there had been no requests for dispensations from Members since the last update.

The Committee noted the foregoing.

The meeting was declared closed at 11.45 am

Chairman

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Resources and Services Overview and
Scrutiny Committee

17 February 2020

MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE, HELD ON MONDAY 17 FEBRUARY 2020 AT 7.35 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Barry, Bray, Griffiths, Morrison and Turner
Also Present:	Councillors P Honeywood (except Minutes 52 - 56), Talbot and Wiggins
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer) (except Minutes 54 - 56), Tim Clarke (Head of Housing and Environmental Health) (except Minutes 53 - 56), Katie Wilkins (Human Resources and Business Manager) (except Minutes 53 - 56), Jonathan Hamlet (Street Scene Officer), William Lodge (Communications Manager) and Katie Sullivan (Committee Services Officer)

46. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Allen and Codling (with no substitutes).

47. MINUTES OF THE LAST MEETING

The Minutes of the meetings of the Committee held on Monday 16 December 2019, Monday 6 January 2020 and Wednesday 8 January 2020 were approved as a correct record and were then signed by the Chairman.

The Chairman expressed his thanks to Members and Officers who had attended the meetings that were held on 6 and 8 January 2020 and for all their hard work and participation at those meetings; in what was a very narrow timeframe.

48. DECLARATIONS OF INTEREST

Councillors Bray and Turner declared for the public record in regards to agenda item 7 (A.2 - Future use of Spendells House, Walton-on-the-Naze) that this matter had been considered by Frinton and Walton Town Council and that they and other Town Councillors had considered the matter at meetings of that Town Council.

49. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

50. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee were aware that this report outlined any recommendations it had made to the Cabinet, the Cabinet's response and any relevant updates.

The Council's Head of Democratic Services and Elections (Keith Simmons) informed the Committee that the report outlined one update to the item considered previously at the last meeting of the Committee on 8 January 2020 (minute 45 refers) with regards to the General Fund Budget and the HRA Budget.

In response to a question from a Member, the Council's Head of Finance, Revenues & Benefits Services (Richard Barrett) advised that in the coming weeks consideration would be given to a range of matters to support the delivery of the corporate plan and these scheme may overlap with some of the suggestions made at the 6-8 January 2020 meetings of this Committee. As such, there would be an opportunity for the Committee to consider the extent to which items it had identified were recommended for approval or whether other schemes were to be pursued.

After some deliberation it was **RESOLVED** that the Committee notes the contents of the report and the response provided. The issue was now marked as completed within the Recommendations Monitoring Report.

51. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - FUTURE USE OF SPENDELLS HOUSE, WALTON-ON-THE-NAZE

Further to the decision of the Committee on 16 December 2019 (Minute 39 refers), the Committee was scheduled to undertake an enquiry into a forthcoming decision of the Cabinet in relation to the future use of the Spendells House, Walton-on-the-Naze. This was in accordance with the Overview and Scrutiny Procedure Rule 13.

A briefing note prepared by the Council's Head of Housing and Environmental Health (Tim Clarke) was circulated at the meeting (having been emailed to Members earlier that day). The Head of Housing and Environmental Health introduced the report.

Councillor P Honeywood, Portfolio Holder for Housing, was welcomed to the meeting for this item.

The Committee was informed that the closure of Spendells House as a Sheltered Housing Scheme in March 2018 had been an inevitable but unfortunate consequence of low demand and occupancy for this type of accommodation outside of town centres. Whilst it had remained empty only basic maintenance and security provision had been in place. Overall the building remained in good condition and provided a good basis for development of the site for use as temporary accommodation for those who were homeless. The Committee was further informed that the options that had been explored for the future use of the site had focused on either outright disposal or re-purposing to provide alternative housing provision such as the temporary accommodation scheme now proposed.

With homelessness levels showing no signs of reducing (both nationally and locally) temporary accommodation costs could be reduced by taking action to generate additional supply of temporary accommodation either via the private sector or by the Council directly.

Given the projected demand for accommodation, it was inevitable that there would be a need for Bed and Breakfast accommodation unless the supply of less costly options

became available. Therefore Officers were now exploring the cost of bringing Spendells House back into use as temporary accommodation for those who were homeless.

Members were informed that the Homelessness Reduction Act (HRA18) came into force in April 2018 with the aim of reducing homelessness. The act increased duties on local authorities to assess an applicant's needs and to prevent and relieve homelessness by:

- Improving advice and information about homelessness and the prevention of homelessness;
- Extending the period of threatened with homelessness from 28 days to 56 days. An applicant is now assessed as threatened with homelessness if they are likely to become homeless within 56 days.
- Introducing new duties to prevent and relieve homelessness for all eligible people, regardless of priority need and intentionality.
- Introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation.
- Encouraging public bodies to work together to prevent and relieve homelessness through a duty to refer.

Despite the extra advice and duties brought in by the Homelessness Reduction Act, the lack of affordable housing and private rented properties had meant that the use of temporary accommodation had increased.

In 2013/14 temporary accommodation placements had cost the Council £22,368 whereas by 2018/19 the cost had increased to £459,265. Unless the Council used its own housing stock the cost of temporary accommodation over that covered by Housing Benefit subsidy had to be covered by the General Fund.

Following the verbal update Members were given the opportunity to ask questions.

In considering the expectations of Overview and Scrutiny Procedure Rule 13 for the Committee to fully enquire into a proposed decision of the Cabinet, the extent of the information now provided, the intended date for the Cabinet to determine this matter (20 March) and the date of this Committee's next meeting (23 March), the Chairman informed the Committee of the options available to it as he saw them:

- 1) Request that Cabinet delay their decision in order for the Resources and Services Overview and Scrutiny Committee to conduct a pre decision scrutiny; or
- 2) Conduct a post Cabinet decision scrutiny.

Following discussion, it was **RESOLVED** that the Committee would authorise the Chairman of the Committee to liaise with Officers and the Portfolio Holder for Housing to arrange for plans, information on costs and the arrangement of a site visit in order to undertake the pre-decision enquiry of the future use of the Spendells House, Walton-on-the-Naze. If such an enquiry was not possible in the available time-frame envisaged in the notice of forthcoming decisions, the Committee would agree not to undertake the

enquiry envisaged under Overview and Scrutiny Procedure Rule 13 and, instead, undertake a post scrutiny decision of the item.

**52. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE & PROJECTS - A.3 -
PERFORMANCE REPORT QUARTER 3 2019/20**

The Committee had before it a report of the Head of People, Performance & Projects which presented the Performance Report for Quarter Three (October to December 2019) including the Corporate Plan 2020/2024 and Priorities and Projects 2019/2020.

The Committee was aware that the purpose of the report now before it was to submit the relevant performance data so that it could undertake scrutiny of it in so far as:

“(a) Is the performance monitoring system capturing the right level of data to support delivery of the Corporate Plan and its priorities and projects – and to make recommendations thereon?”

“(b) Is there performance as identified in the monitoring data that warrants scrutiny of an activity – and to determine whether and how that scrutiny should take place; including it as appropriate in the work programme?”

It was reported that the Quarter 3 position demonstrated that of the 22 indicators and projects where performance was measured, 21 (95%) were on, or above, their expected target, 1 (5%) was not currently in line with expected performance.

Members were informed that any feedback from this Committee would be presented to a future meeting of the Cabinet as a separate reference report.

The Council’s HR and Business Manager (Katie Wilkins) provided the Committee with a verbal update in respect of the indicators and projects with particular focus on those indicators where there had been movement in the proposed delivery timetable.

Officers responded to questions raised by Members on various topics within the report and appendices and where an answer was not immediately available, the Human Resources and Business Manager undertook to respond to Members as soon as possible after the meeting.

After some deliberation by the Committee, it was moved by Councillor Stephenson, seconded by Councillor Scott and **RECOMMENDED TO CABINET** that:

- a) the Committee notes the contents of the Performance Report Quarter 3 October – December 2019; and
- b) the Manningtree Underpass project Performance Target Indicator should be submitted to the Council’s Community Leadership Overview and Scrutiny Committee; in addition to this Committee.

In view of a number of revisions to timescales for a range of items identified in the Performance Report, the Committee also **RESOLVED** to add to its Work Programme for 2020/21 an item to review how the Council was performing on major projects (from initiation, finalisation, approval, delivery, completion and evaluation).

53. REPORT OF THE HEAD OF FINANCE, REVENUES & BENEFITS SERVICES - A.4 - ANNUAL CAPITAL AND TREASURY STRATEGY SCRUTINY FOR 2020/21 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Committee's comments were sought on the Annual Treasury Strategy for 2020/21 (including the Prudential and Treasury indicators).

It was reported that on 7 February 2020, the Corporate Finance and Governance Portfolio Holder had agreed the Annual Treasury Strategy for 2020/21 (including the Prudential and Treasury Indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

Members were aware that the Local Government Act 2003 and supporting regulations required the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both those documents had been issued in December 2017.

The Committee was informed that the revised guidance issued in 2017 also required the Council to update its Capital Strategy annually. Rather than produce two separate documents and as they were closely linked the Capital Strategy had been combined with the Treasury Strategy in one document.

It was reported that the Capital Strategy element of the combined document covered the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.

Similarly, the Treasury Strategy element of the combined document covered the various elements that satisfied the requirements of the various codes that governed the borrowing and investment activities of the Council and had been prepared in the light of advice received from the Council's Treasury advisors and reflected the latest codes and guidance.

Members were advised that under the Prudential Code the Council had freedom over capital expenditure as long as it was prudent, affordable and sustainable. The Prudential Indicators either measured the expected activity or introduced limits upon the activity, and reflected the underlying capital appraisal systems and enabled the Council to demonstrate that it was complying with the requirements of the Prudential Code.

The Committee was reminded that the Council's investments would be undertaken in accordance with its Treasury Management Practices. Those had been expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remained at their current low levels it was likely that a significant proportion of the Council's investments would continue to be in Government securities such as Treasury Bills or with other Local Authorities. The Council was also exploring the use of property investment funds as part of its wider investment portfolio from 2020/21, but due to risks, such as the potential impact on

revenue resources from the accounting treatment that may be required, any associated decision would be subject to advice from the Council's external advisors and a separate Member decision. Other 'quality' investment opportunities would also be explored in consultation with the Council's external advisors in order to maximise returns on investments within a continuing and overall risk-averse approach.

A copy of the report submitted to the Portfolio Holder together with the proposed Annual Capital and Treasury Strategy for 2020/21 (including the Prudential and Treasury Indicators) was attached as an appendix to item A.4 of the Report of the Finance, Revenues & Benefits Services.

Members were given the opportunity to ask any questions, which in turn were responded to by the Council's Head of Finance, Revenues & Benefits Services.

Following discussion, it was moved by Councillor Turner, seconded by Councillor Griffiths and **RESOLVED** that the Committee both notes the contents of the Annual Capital and Treasury Strategy for 2020/21 and agrees that it does not need to submit any comments for the Cabinet's consideration.

**54. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 -
SCRUTINY OF THE IMPLEMENTATION OF THE NEW WASTE AND RECYCLING
COLLECTION SERVICE**

The Council's Street Scene Manager (Jonathan Hamlet) was in attendance and provided the Committee with an overview of the roll out and service implementation of the Council's new waste and recycling service.

Veolia's Contract Manager (Michael Riches) and Regional Manager (Chris Smiles) were also in attendance for this item.

Councillor Talbot, Portfolio Holder for Environment and Public Space, was welcomed to the meeting.

Members were aware that in June 2019 the Council implemented a new waste collection service, changing from a weekly black sack collection (with no restriction on the number of black sacks collected from a property) to a fortnightly 180L wheeled bin service and as such represented a significant service change.

The Committee had before it a Report of the Corporate Director (Operational Services) which provided information on the following areas:

Planning

- Communications;
- Procurement;
- Property audit and route planning; and
- Service roll out.

Implementation

- Bin delivery;
- Waste and Recycling Collections Veolia;
- Customer support;

- Waste Team; and
- Communication.

Results

- Residual waste;
- Food waste;
- Paper/cardboard;
- Plastic/cans;
- Glass (banks); and
- Recycling rate.

Overview

- Failure to complete collection rounds;
- Difficulty in contacting the Council / Officers; and
- Missed assisted collections / Remote properties.

Learning Points

- Commence the process of evaluating the contract options at an earlier stage;
- Recruitment of the temporary posts to start at an earlier stage, combined with the fixed term contracts being of a longer duration;
- Quicker at feeding operational issues up to the communications and support teams; and
- Reduce the reliance upon the local knowledge held by individual operatives for the collection rounds.

Members were given the opportunity to ask questions which were responded to by the Portfolio Holder, the Council's Street Scene Manager and Veolia's Contract Manager and Regional Manager.

Veolia's representatives advised that it needed to implement revised collection route rounds at the same time as the roll out of the wheeled bin change as the previous collection route rounds would not work under the new arrangements. They reported that under the black sacks scheme a team could collect from 2,000 properties a day and with wheeled bins that reduced to 1,300 properties a day.

Members considered the current recycling of plastics through the waste collection service and the impact of contamination of those plastic types with other plastic products or other items. It was reported to the Committee that it was intended to arrange for Members to visit recycling facilities nearby in order to develop the knowledge of Members about the processes involved and thereby enable them to address enquiries from Members of the public and to encourage policy development.

The extent of the increase in recycling rates within 2019/20 was commented upon. In April 2019, prior to the roll out commencing, recycling rates were at 28% and in October (after the roll out) they were at 41%. Figures for November 2019 onwards were not available to the Committee. The Committee asked about the appropriate targets for 2020/21. Notwithstanding that, it was reported that the budget for 2020/21 included an addition £60K of recycling credits for the Council.

Separate figures on recycling rates among those still on the black sack service, for instance those in flats, were not kept by the service. However, the incentive to recycle by limiting waste collection to a fortnightly 180L amount was not there for those households. Some flats had red and green wheelie bins in their communal bin areas following a request to recycle from one or more residents there. In addition, green canvass carry bags were available for residents in those flats to carry recyclables to the communal bin areas.

Veolia's representatives responded to a question to indicate that if a plastic bottle deposit and return scheme were to be introduced it would have a significant impact on its services. The likely impact would though need to be assessed for each separate contract it had with local authorities.

Glass recycling had increased locally and a question was asked about the provision of further recycling points in response to that increase. The whole range of recycling bring sites in the District was to be looked at including whether options to provide more opportunities on existing or new sites was to be considered; the Committee was advised.

In respect of the Council's green waste collection service, the Committee was advised that the amount of waste collected had risen since 2017/18 from 297 tonnes to 3000 tonnes per year and was continuing to grow. Veolia was now introducing a third collection round due to the expansion of the scheme. The charge levied locally appeared to be about right when considering the charges levied elsewhere in Essex and the known movement in those charges in the coming period.

In respect of Clinical Waste, the Committee was advised that the service had been in operation for about one year, although by GBH and not by Veolia. Those self-medicating and who needed to dispose of sharps and dressings with bodily fluid that would be dangerous to add to the general waste would be able to use the clinical waste service provided. Nappies and incontinence pads would normally be able to be disposed of in general waste.

Following discussion, the Committee **RECOMMENDED TO CABINET:**

a) To note, based on experience locally from the previous major change in waste collection arrangements, this Committee appreciated that the 2019 roll out of the wheelie bins/new waste service was always going to have some pain. However, that pain was more than it should otherwise have been. What contributed to this included:

- Insufficient/overloaded communication channels in to the Council to report problems and timely responses to those enquiries.
- Problems with staffing in the team and particularly recruitment to temporary contract posts.
- The consequences of the route changes implemented by Veolia (the Council's contractor) to accommodate the changed waste collection service.

However, the Committee acknowledges the hard work of Officers to address and overcome those issues and to achieve the current position, which is one the Committee

wishes to record as moving positively to the good standard expected. Cabinet is recommended to seek to capture learning from this roll out for the delivery of future major change in service delivery.

b) To request the Portfolio Holder for Environment to write to Essex County Council in an effort to address the continuing issue of the littering from waste being moved from the waste transfer stations by or on behalf of the Waste Disposal Authority and the related cleansing of that litter on the A120 around that waste transfer station.

c) To consider this Committee's disappointment at the limited statements provided to it as to the Portfolio Holder's future ambition for the service; including improving recycling levels further over the remainder of the contract and to request that a report on this ambition/vision be submitted to this Committee in September 2020.

d) To arrange for the submission of proposals for revised targets for recycling rates in the District for 2020/21, as part of the Council's Performance Monitoring System, to this Committee's meeting on 23 March 2020 (and that comparable recycling rates be reported to the Committee from the other Districts in Essex and any appropriate commentary on the prospect of such rates being achieved in Tendring where the rates are higher than locally).

e) To pursue the stated intention of arranging a site visit for all Councillors to waste and recycling centres as part of developing understanding by Councillors of these activities and this site visit should be organised prior to September 2020.

f) That the clear information should be provided to residents on the recycling processes of material collected from homes in the District, further information be provided on practical waste minimisation measures for residents and that, in time, a summary of the Council's Climate Reduction measures be provided to all households (perhaps with the annual Council Tax Notification).

[Note: In accordance with the decision of Council of 10 September 2019, Minute 59 refers, the outcome of this scrutiny review is also to be reported to the next following meeting of the Council.]

55. SCRUTINY OF PROPOSED DECISIONS

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

The Committee noted the submitted list of published forthcoming decisions.

56. REVIEW OF THE WORK PROGRAMME

The Committee had before it the latest Work Programme 2019/20 that outlined the scrutiny to be undertaken by the Committee in the remainder of the municipal year. In presenting this work programme to the Committee, it was invited to determine whether the programme needed to be adjusted, including items covered, the scope of the programmed reviews and whether Portfolio Holders or others were to be invited to

present to them. Specific information requirements of Councillors to undertake the programed reviews should also be identified as should any 'Councillor Development' requirements.

The Committee **RESOLVED** that the following be added to its Work Programme accordingly:

- 1) Review how the Council was performing on major projects (from initiation, finalisation, approval, delivery, completion and evaluation) – to be determined;
- 2) Proposals for revised targets for recycling rates in the District for 2020/21, as part of the Council's Performance Monitoring System, (and comparable recycling rates from the other Districts in Essex and any appropriate commentary on the prospect of such rates being achieved in Tendring where the rates are higher than locally) - 23 March 2020 meeting;
- 3) The Portfolio Holder for the Environment's future ambition for the waste collection service; including improving recycling levels further over the remainder of the contract – September 2020 meeting; and
- 4) The review of the proposed cemetery extension should be expanded to include the Crematorium site provision of resting arrangements and memorials (including vaults and mausoleums).

The meeting was declared closed at 10.36 pm

Chairman

Public Document Pack

Human Resources and Council Tax
Committee

24 February 2020

MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE, HELD ON MONDAY 24 FEBRUARY 2020 AT 7.30 PM IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY

Present:	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Chittock, Clifton, Fowler, S Honeywood (except Minutes 22 (part) - 24) and M Stephenson
Also Present:	Councillors Amos, P Honeywood (Portfolio Holder for Housing) (except Minutes 22 (part) - 24) and McWilliams (Portfolio Holder for Partnerships)
In Attendance:	Anastasia Simpson (Head of People, Performance and Projects), Carol Magnus (Organisational Development Manager), Katie Wilkins (Human Resources and Business Manager), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer), Pauline Lifton (HR and Business Advisor) and Katie Sullivan (Committee Services Officer)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Morrison (with Councillor Fowler substituting), Broderick and Calver (with no substitutes).

14. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Human Resources and Council Tax Committee, held on 23 October 2019, be approved as a correct record and be signed by the Chairman.

The Council's Head of People, Performance and Projects (Anastasia Simpson) updated the Committee in regards to the Safeguarding Policy and Procedures item that had been considered at its last meeting (minute 8 referred). The Committee was informed that their request to investigate the appropriateness and practicalities of introducing Disclosure and Barring checks for all Members of Tendring District Council had been looked into by the Standards Committee and it had been decided that the current procedure of not carrying out checks should be maintained. However, if a Councillor should wish to have a Disclosure and Barring check, the costs involved would be covered by the Council. The Committee was also made aware that E-training would be provided for Members in regards to the Council's Safeguarding Policy.

15. DECLARATIONS OF INTEREST

Councillor Griffiths declared that he was a member of the GMB Union.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

17. SENIOR RESTRUCTURING - VERBAL UPDATE

The Committee received a verbal update from the Council's Organisational Development Manager (Carol Magnus) in regards to the processes and timetable for the Senior Restructuring process, following the retirement of the Deputy Chief Executive.

The Committee was informed that a review of the Senior Management structure had been carried out by the Chief Executive (Ian Davidson) and that a formal consultation had taken place. All Heads of Service and Directors had been fully involved in this process and their input into the consultation process had been extremely valuable. The Chief Executive had taken on board their suggestions and as a result had adjusted the Senior Management Structure based on some of the feedback received.

The Committee was further informed that the final agreed structure brought to life the Chief Executive's intention to create a more flexible, integrated and fit for purpose Senior Management Team, whilst also ensuring that there was an appropriate balance between the following areas of priority for the management of the Council:

- Corporate focus and sound governance and finances;
- Community Leadership and Partnership working;
- Effective service delivery;
- Growth, strategic planning and place shaping;
- Garden Communities and Corporate Projects; and
- Improved matrix management across the organisation.

The Organisational Development Manager explained to the Committee that those changes would help ensure maximum efficiency was achieved, and that resources were deployed in the most effective manner to continue to provide an affordable and successful range of services for the District and its residents.

The Organisational Development Manager further explained to the Committee that the approach that was being taken recognised the strength of managerial talent within the Council and was consistent with the Council's "grow your own" philosophy.

The Committee was informed that the final structure had two Corporate Directors and 7 Assistant Directors. Three of those posts (Assistant Director of Governance, Assistant Director of Finance and IT, and Assistant Director of Partnerships) would be part of the Management Team together with the Chief Executive and the Corporate Directors.

The Committee was further informed that the next stage in implementing the new Senior Management Structure, was to appoint the Assistant Director posts and that there had been a strong field of applications for the Assistant Director posts from amongst the Heads of Service. Those Heads of Service who had chosen to remain in their existing roles would play a crucial part in supporting their new Assistant Directors in delivering the function of their directorate.

It was explained to the Committee that, in accordance with the Council's Constitution, all shortlisted candidates would be interviewed by a panel including the Chief Executive, an independent HR Advisor (*Marcia Fuller*), three Elected Members and where applicable, the Corporate Director (Operational Services) Paul Price or the Corporate Director

(Planning and Regeneration Services) Ewan Green. The first interviews had been held and the remaining interviews would take place on 3 and 4 March.

The format for the selection process was as follows:

- All candidates to complete an online Psychometric Test, which in the interest of fairness, had been administered and assessed externally by EELGA.
- A formal Interview.

All candidates would be expected to provide a ten minute presentation, focusing on their changing role from Head of Service to Assistant Director and their vision for their service(s) moving forward. The interview questions would be based on the Universal Competency Framework which they would all be familiar with.

The appointments would be effective from 1 April 2020, which was the implementation date of the new Senior Management Structure. There would also be an away day for the new Assistant Directors with input from the Chief Executive and Corporate Directors in early April to start to embed this new structure.

The Committee noted the foregoing.

18. **REPORT OF THE HEAD OF FINANCE, REVENUES AND BENEFITS & SECTION 151 OFFICER - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2020/21 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES**

Members were reminded of Section 106 of the Local Government Finance Act 1992, which provided that any Member, who was in arrears by at least two months with their Council Tax payments, could not vote on matters concerning either the level of, or administration of, Council Tax. It was important to note that this also covered Council Tax liabilities outside of the District and property which might not be their main residence. If present at the meeting, a Member to whom this provision applied must disclose the fact and could speak on the item, but could not vote. Non-compliance with this section was a criminal offence. Therefore, should this provision apply to any Member, this should be disclosed.

The Committee's confirmation was sought in respect of the final Council Tax amounts for 2020/21 including the precepts issued for 2020/21 by Essex County Council and the Essex Police, Fire and Crime Commissioner.

The Council's Corporate Finance Manager and Deputy Section 151 Officer (Richard Bull) was in attendance and informed Members that, once the precepts had been received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2020/21. The total Council Tax for the year was made up of the District and Parish / Town Council amounts approved by this Council and the corresponding amounts agreed by the major precepting authorities. Legislation required this formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made.

The Committee was aware that the District and Parish/Town Council precepts for 2020/21 had been approved at the meeting of the Council held on 11 February 2020 and were set out in Appendix B to the report. Since that date the precepts from the major precepting authorities for 2020/21 had been received. The table set out below showed the precepts issued for 2020/21 for Essex County Council, Essex Police services and Essex Fire services:-

Precepting Authority	Council Tax Amount (Band D equivalent)	Increase
Essex County Council	£1,321.11	3.99%
Essex Fire Services	£73.89	1.99%
Essex Police Services	£198.63	2.94%

It was reported that, when added to the amounts relating to the District and Parish / Town Council Services, as approved by Council on 11 February 2020, the average Band D Tax totalled £1,808.54 for 2020/21. Appendix A to the report set out the full precept details and Appendix C set out for confirmation the 2020/21 Council Tax amounts including the precepts from the major precepting authorities by property band for the unparished and parished areas of the District.

It was moved by Councillor S A Honeywood, seconded by Councillor Chittock and unanimously:-

RESOLVED that -

- (a) the precepts issued by Essex County Council, Essex Police and Essex Fire for 2020/21, as set out in Appendix A to the report, be noted; and
- (b) the amounts of Council Tax for 2020/21 for each of the categories of dwellings, as shown in Appendix C to the report, be confirmed.

19. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.2 - PAY POLICY STATEMENT 2020/21

There was submitted a report by the Head of People, Performance and Projects (A.2) on the proposed Pay Policy Statement for 2020/2021.

The Committee was reminded that Section 38(1) of the Localism Act 2011 required local authorities to produce a Pay Policy Statement and that those matters which were required to be included in the statutory Pay Policy Statement were as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer;
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers; and

- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

It was reported that the Pay Policy Statement 2020/21 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aimed to ensure the ability of the Council to recruit talented individuals whilst reassuring the citizens of Tendring that their money was being used efficiently.

It was further reported that a major pay assimilation exercise had been carried out by the Council in 2018/19, in order to move across to the new nationally agreed pay bands for 2019/20, which had resulted in multiple inflationary variations across the pay scale. Changes had included:-

New Pay Spine 1 April 2019

- A bottom rate of £9.00 per hour (£17,364) on new Spinal Column Point (SCP) 1 (equivalent to old SCP's 6 & 7).
- 'Pairing off' old SCP's 6-17 incl. to create new SCP's 1-6 inclusive.
- Equal steps of 2.0% between each new SCP's 1 to 22 inclusive (equivalent to old SCP's 6-28 inclusive.)
- By creating equal steps between those pay points, new SCP's 10, 13, 16, 18 and 21 were generated to which no old SCP's would assimilate.
- On new SCP's 23 and above (equivalent to old SCP's 29 and above), 2.0% increase on 2018 rate.

The Head of People, Performance and Projects provided an overview to the Committee on some key changes.

Members raised questions which were responded to by Officers.

Following discussion, it was **RESOLVED** that this Committee comments to Council that the Pay Policy Statement 2020/21, as set out at Appendix A, should be adopted.

20. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.3 - EMPLOYEE ENGAGEMENT AND HEALTH & WELL-BEING UPDATE REPORT

There was submitted a report by the Head of People, Performance and Projects (A.3) presented by the HR and Business Manager (Katie Wilkins), which provided the Committee with an update on the Council's current activities that related to Employee Engagement and Health and Wellbeing.

The Council's Partnerships Portfolio Holder (Councillor McWilliams) was welcomed to the meeting for this item.

It was reported that there was much evidence to suggest that an 'engaged' workforce described employees who were healthier, happier, more fulfilled or more motivated. Employee engagement was the extent to which employees felt passionate about their

jobs, were committed to the organisation in which they worked and put discretionary effort into their work (CIPD, 2019).

It was further reported that research had revealed that high levels of engagement were clearly linked with higher levels of performance, customer satisfaction, productivity, innovation, staff retention and efficiency.

Members were informed that the Council had regularly undertaken an independent and confidential staff survey, which was partly funded by the Local Government Association to establish current levels of employee engagement. The last reported findings from the survey compiled by Dr Martin Reddington, had demonstrated the following:-

- From an employee perspective, Tendring District Council continued to have a committed workforce, investing time, energies and concentration to get the job done well, and feeling a sense of pride in doing so.
- Reported levels of organisational engagement had increased – this was the sense of loyalty and advocacy that employees felt towards the Council.
- The Council had relied on good will and high levels of motivation and performance from staff, in terms of ‘going the extra mile’ and ‘engagement’ with organisational objectives and values.
- The perception of Tendring District Council as an ‘employer’ continued to improve.

This had been further evidenced from the staff survey which had been conducted as a part of the Investors in People (IiP) Gold Assessment in January 2019. The final Assessment Report had stated:-

“It was apparent from the assessment TDC employees, many of whom are long serving, think TDC is a great place to work.

They have embraced the Investors in People principles and continue to strive for further improvement. This will continue to be achieved by maintaining a culture of openness and trust where staff are regularly asked for opinions, ideas and suggestions for improvement.”

To gain further insight into how staff felt about working for the Council, a TEDD Lite Survey would be undertaken, again managed by Martin Reddington Associates, during February/March 2020.

Members were further informed that the results would help Officers assess progress during 2020/21 and identify and prioritise actions where more improvements could be made. The focus of the survey would be to establish:-

- What was good about working for the Council?
- What was not so good? What could still be improved?
- What made an employee go the extra mile at work?
- What got in the way of them doing a good job?

Understanding the importance of an engaged workforce, and the reported link between this and the health and wellbeing of its employees, the Council was committed to a proactive approach towards workplace health and wellbeing. Good health and wellbeing could be a core enabler of employee engagement and organisational performance (CIPD, 2019).

Research had suggested that adopting a positive culture around employee engagement and wellbeing was likely to contribute to reduced turnover of staff, reduced levels of sickness absence/presenteeism and encouraged the Council to be 'an employer of choice.'

Members raised questions which were responded to by Officers and there was some discussion in regards to the Employee Assistance Programme (EAP) which was available to Officers and Members.

Following discussion it was **RESOLVED** that:

- (a) the contents of the report be noted;
- (b) the Committee recognise and acknowledge the hard work of the Human Resources team and thanks them for their efforts in regards to Employee Engagement and Health and Wellbeing; and
- (c) there should be more engagement with Members about the help that is available to them in regards to Health and Wellbeing.

21. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.4 - STAFFING STATISTICS

There was submitted a report by the Head of People, Performance and Projects (A.4) presented by HR and Business Manager (Katie Wilkins), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full-Time and Part-Time;
- (2) Gender Profile;
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence (information was included on the management procedures and preventative action taken together with the sources of support available for staff).

Officers responded to questions raised by Members on various topics.

Following discussion it was **RESOLVED** that the contents of the report be noted.

22. REPORT OF THE HEAD OF PEOPLE, PERFORMANCE AND PROJECTS - A.5 - THE PARENTAL BEREAVEMENT (LEAVE AND PAY) ACT 2018

There was submitted a report by the Head of People, Performance and Projects (A.5) presented by HR and Business Manager (Katie Wilkins), which provided the Committee with information on the Parental Bereavement (Leave and Pay) Act 2018.

The Council's HR and Business Advisor (Pauline Lifton) attended the meeting for this item as she had worked with the Head of People, Performance and Projects in preparing the report.

The Committee was informed that, as from 6 April 2020, Statutory Parental Bereavement Leave (SPBL) would be available to all employees who were 'bereaved parents' (which meant that they were the primary carer for a child who had died under the age of 18). Two weeks statutory leave would be available for all employees from day one (there was no minimum service needed).

The Committee was further informed that Statutory Parental Bereavement Pay (SPBP) would be available to employees with 26 weeks continuous employment with their employer (at the week before the week in which the child had died; as long as they were still employed by the employer on the day on which their child died) and where their normal weekly earnings in the eight weeks up to the week before the child's death were not less than the lower earnings limit for National Insurance contributions purposes.

It was reported that the entitlement would also be available to adults with parental responsibilities for children, who were not their birth parents, i.e. for adoptive parents, those who were fostering to adopt, legal guardians and most foster parents (except those in short-term fostering arrangements). It also applied to parents who had suffered a stillbirth 24 weeks or more into pregnancy. Where more than one child died, the parent would have a statutory entitlement to leave and pay in respect of each child.

It was further reported that the leave must be taken in units of one week, so it could be taken as a single block of two weeks, or two separate blocks of one week at different times. The leave could be taken at any time up to 56 weeks from the date of the death of the child. Bereavement leave could be taken straight away after the death of the child. If this leave was not taken straight away, then employees would be required to give one weeks' notice to their employer that they would be taking this leave.

Members raised questions which were responded to by Officers.

Following discussion, it was moved by Councillor Griffiths, seconded by Councillor M E Stephenson and **RESOLVED** that:

- (a) the contents of the report be noted as a statutory requirement;
- (b) the People, Performance and Projects Team be requested to update internal policies and procedures to include this statutory entitlement;
- (c) the Committee requested for Officers to provide information on the Council's Case Management processes in regards to parental bereavement and the various Policies in place that would be used to help and support those in such circumstances; and
- (d) two weeks full pay in such circumstances should be adopted.

23. EXCLUSION OF PRESS AND PUBLIC

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

24. EXEMPT MINUTE OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX COMMITTEE HELD ON 23 OCTOBER 2019

The exempt minute of the meeting of the Human Resources and Council Tax Committee held on 23 October 2019 was approved as a correct record and signed by the Chairman.

The meeting was declared closed at 8.25 pm

Chairman

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Public Document Pack

Planning Policy and Local Plan Committee

8 June 2020

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON MONDAY, 8TH JUNE, 2020 AT 10.00 AM
MEETING WAS HELD REMOTELY IN ACCORDANCE WITH THE PROVISIONS OF
SI 2020/392. LINK TO LIVE STREAM IS FOUND HERE:
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors Nick Turner (Chairman), Zoe Fairley (Vice-Chairman)(except item 10), Terry Allen, Mike Bush, Jayne Chapman (except items 9 (part) and 10), Carlo Guglielmi, Ivan Henderson (except item 10), Sue Honeywood (except items 9 (part) and 10), Mary Newton, Gary Scott and Colin Winfield
Also Present:	Councillors Peter Cawthron, Graham Steady and John White
In Attendance:	Ian Davidson (Chief Executive)(except items 8 - 10), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Gary Guiver (Temporary Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Karen Harges (IT Training Officer)

1. CHAIRMAN'S OPENING REMARKS

"Good Morning Fellow Councillors, Officers and Members of the Public.

Strange times call for strange responses. We will all do as best as we can to make this a productive and successful meet using Skype business.

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 Planning Policy & Local Plan 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."

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Joy Broderick (with Councillor Colin Winfield substituting).

3. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 29 October 2020 be approved as a correct record.

4. DECLARATIONS OF INTEREST

Councillor Scott declared a personal interest in relation to Agenda Item 9 – Report A.3 – Update on Neighbourhood Plans for Ardleigh and Alresford insofar as he was both a Ward Member and a parish councillor for Alresford.

Councillors Allen, Bush and Chapman each declared interests in relation to Agenda Item 7 – Report A.1 – Updated Housing Supply Position and Housing Trajectory insofar as there were development sites mentioned in the report and/or its appendices for which they were a Ward Member and/or a parish/town councillor.

Councillor G V Guglielmi declared an interest in relation to Agenda Item 7 – Report A.1 – Updated Housing Supply Position and Housing Trajectory insofar as Site SGG9 (Land off Colchester Road, Lawford) in Appendix 5 (Assessment of Alternative Sites) of the Strategic Housing Land Availability Assessment (SHLAA) was opposite his dwelling.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

6. PUBLIC SPEAKING

Frances Grant made a statement in relation to item A.1 in which she stated the environmental and historic rural character grounds for maintaining the strategic 'green gap' between Lawford, Manningtree and Mistley and urged that Sites SGG9 and SGG 10 should be removed from the schedule of Alternative Sites in the SHLAA.

In relation to report A.1 – Updated Housing Supply Position and Housing Trajectory, John Hall asked:

“URB13, Land off Grange Road, Lawford, continues to remain on the list and map of Alternative Sites even when:

- 1. The first Planning Application by Gladman Developments 17/01950/OUT (which received over 280 written Objections) was refused by Tendring District Council,*
- 2. The second Planning Application by Gladman Developments 19/00067/OUT (which received over 310 written Objections) was refused by Tendring District Council,*
- 3. The Appeal by Gladman Developments against refusal by the Council was Dismissed by the Planning Inspector following a 6 day Public Inquiry in July 2019, APP/P1560/W/18/3201067*
- 4. Permission for a Judicial Review of that Inspector's decision, requested by Gladman Developments, was refused by High Court Judge Mr Timothy Mould QC on 25 February 2020,*
- 5. Your own report to this committee, Appendix 2 Table, states that deliverability of this site in the Plan period (2013 to 2030) is unlikely.*

The Strategic Housing Land Availability Assessment (SHLAA) needs to be made clearer in respect of sites like URB13. It is misleading to policy makers, landowners, land promoters and the local community to continue to include a site which has been discounted. This perpetuates anxiety for the many local residents of Lawford, Manningtree and Mistley who are already having to come to terms with over 30% increase in housing stock resulting from over 1500 new homes which have recently received Planning Permission.

Can you therefore remove URB13 from your list of Alternative Sites or at least put sites like URB13 on a separate Table and Map because they have been discounted?”

The Chairman of the Committee (Councillor Turner) replied as follows:-

“Thank you Mr. Hall for your question.

Firstly I would like to congratulate the Lawford Tye Action Group for their professional and very effective participation in the Grange Road planning appeal which helped to see

off an unpopular and unwanted development in an area that has seen more than its fair share of planning applications in recent years.

The Strategic Housing Land Availability Assessment is not, in itself, a plan or a planning document identifying where development should go – that is the job of the Local Plan. It is however an important piece of the ‘evidence base’ which demonstrates how the Council has assessed a range of sites in determining which sites should, and indeed should not, form part of the Local Plan.

Whilst I appreciate Mr. Hall and other residents’ concerns about the depiction of the Grange Road site on the maps accompanying the assessment and potential confusion this might cause, it is absolutely essential that the site is shown as an ‘Alternative Site’ on the map and assessed for its suitability, availability and achievability (as indeed it is on page 56 of the assessment and page 96 of today’s agenda).

This is because the Grange Road site, along with a number of others shown in red as ‘Alternative Sites’, is the subject of a formal objection to the Local Plan from Gladman Homes which will need to be considered by the Planning Inspector when they come to examine Section 2 of the Local Plan hopefully later this year.

The assessment is an important part of the Council’s evidence that our Officers will rely on at the Section 2 examination to justify the reasons for excluding sites, such as Grange Road, from the Local Plan. To exclude the site from the assessment as Mr. Hall has suggested would leave the Council vulnerable to accusations that alternative sites have not been properly considered.

The assessment reflects the Council’s resistance to the Grange Road planning application, the damning rejection by the appeal Inspector and the judge, and the very good reasons why the Lawford Tye Action Group are strongly opposed to development in this location. In presenting this information to the Planning Inspector as part of this assessment, we should be in a very strong position to ensure the site continues to be excluded from the Local Plan.”

In relation to report A.3 – Update on Neighbourhood Plans for Ardleigh and Alresford, Bill Marshall asked:

“The Officer has stated that: Ardleigh - An 8 week public consultation has taken place, with no objections. This is not correct, and therefore the proposed NDPA for Ardleigh should not be endorsed by this Committee at this meeting.

Furthermore, until the residents of Ardleigh have been fully consulted on any NP recommendations should not come before this Committee.

Will the Chairman of the Committee undertake to ensure a full public consultation takes place with the residents of Ardleigh?”

The Chairman of the Committee replied as follows:-

“Thank you Mr. Marshall for your question. Mr. Marshall is well versed at attending these meetings and was present throughout the recent examination sessions for the Section 1 Local Plan.

At this first stage of the process, which is simply to establish the area to be covered by the Ardleigh Neighbourhood Plan, the level and nature of the consultation has been perfectly adequate, meets legal requirements and responses from key statutory consultees have been received.

Furthermore, today's report clearly explains that where a Parish Council is simply proposing the whole of its own administrative area for the purposes of a Neighbourhood Plan, the national guidance expects the District Council to agree that area without any question.

The position is more complicated for Parishes and other Neighbourhood Groups who propose areas that straddle parishes or form smaller defined areas that do not follow Parish lines. For Ardleigh, that is clearly not the case and this should be a fairly straight forward process.

When Ardleigh Parish Council progresses to the next stage and produces a draft of its Neighbourhood Plan, it will of course be important for residents of the area to be given decent opportunities to engage in the process and have constructive input. Our Officers will work constructively with the Parish Council to make sure the programme of engagement going forward achieves this.

Notwithstanding all of this, I am somewhat surprised that Mr. Marshall is seeking to delay the progress of Ardleigh's Neighbourhood Plan and I would instead advise him to engage positively with the Parish Council as I'm sure he has ideas and suggestions that might, or might not, be of interest to them."

Mr Marshall also made statements in relation to items A.1 and A.2 in which he urged the Council, in the light of recent events, to withdraw from the joint Section 1 of the Local Plan with Braintree and Colchester Councils and to concentrate solely on its Section 2 of the Local Plan.

In relation to report A.3 – Update on Neighbourhood Plans for Ardleigh and Alresford, Parish Councillor Chris Whitfield (Chair of the Ardleigh Neighbourhood Plan Steering Group) asked:

"How soon can Ardleigh Parish Council expect to engage with the Strategic Planning and Placement Team, to fully understand the support and funding available to them in the preparation of their Neighbourhood Plan?"

The Chairman of the Committee replied as follows:-

"I thank Mr. Whitfield for his question and am happy to advise that our Officers are keen to work with Ardleigh Parish Council at the earliest opportunity to assist in the preparation of their Neighbourhood Plan.

Indeed Officers are already giving consideration to the Parish Council's request for advice on the number of homes that might be required in the Ardleigh area as part of the plan.

As soon as this Committee has agreed to the area for the Neighbourhood Plan, Officers will arrange to meet (virtually or otherwise) to discuss and share information including

the consideration of housing figures, analysis of the results of the public consultation and the national and local policy requirements – as well as funding opportunities.

William Fuller from the Strategic Planning and Place Team will be the Parish Council's main point of contact and will no doubt contact Mr. Whitfield shortly after today's meeting."

7. CHAIRMAN'S UPDATE - FORMAL OUTCOME OF EXAMINATION-IN-PUBLIC OF PART 1 OF THE LOCAL PLAN

The Chairman of the Planning Policy and Local Plan Committee (Councillor Turner) made a statement on the contents of the Local Plan Inspector's Letter dated 15 May 2020 as follows:-

"I am very pleased to report that Tendring District Council offered for Examination Section 1 of its Local Plan. It was found to be 'sound'.

It was offered in conjunction with Colchester Borough Council and Braintree District Council's Section Ones and the examination was considered to be the largest for any Local Plan in England. Together, the 3 authorities are known as North Essex Authorities, NEAs for short. The combined Plan was found to be 'not sound' by the Inspector.

The examination was held at Colchester Football Club over 7 days in January. I managed to attend for 5.5 days as an observer. The level of detail and information offered and received was intense. Some days there were 4 Queens Counsels in attendance, representing various bodies, Companies and the North Essex Garden Communities Ltd.

Mr Guiver was one of the spokespersons for the North Essex Authorities. He held his head up in the highest company, not only as the mouthpiece but also as one of the main authors of our Section One.

He was not found wanting.

Thank you Gary and your team. Very, very well done.

An important part of the Inspector's Letter received three weeks ago last was that he upheld our Dwellings per Annum target of 550. That is wonderful news, although we will still have to take into account the standardised formula as shown in the 2019 edition of the NPPF. The figure of 865 dpa will only go away, when we ratify this part of the plan in Full Council. A lot more on that in the next item.

Our idea of a Garden Community on the Tendring and Colchester Borders for upwards of 7,500 houses over the next 30 to 40 years is also found to be viable and sound. That means Tendring's extra growth can all be accommodated for this Local plan period and probably for most if not all of the succeeding Plan, i.e. 2033 onwards.

Finally, the successful bid, made by Essex Highways to the Housing Infrastructure Fund (HIF) has granted £65m to build a link road between the A133 and A120 and a further £34m to supply a rapid transport system from the Garden Community into and beyond Colchester. This is contingent on 50 houses and the road being built plus the RTS being

in place by March 2024. To that end the Cabinet at County have agreed to the route of the proposed road and plans are being drawn up to be submitted for Planning Permission by Christmas this year. The road builders will then be able to start in 2021. Preparation on the Master Plan for the Garden Community has begun so that we can start work on that first 50 houses and have them completed by March 2024.

The Inspector has invited the North Essex Authorities to agree with his recommendations for progressing the Local Plan to the next stages of the process or otherwise withdraw the plan and start again. This is shown in stark English on para 267 of his Letter.

To that end, a formal decision for how to proceed will be required from all three Councils and another meeting of this Committee will be arranged for a date next month to consider the Inspector's letter in more detail along with the specific changes to the Local Plan he has recommended. Our partner authorities are making similar arrangements with the aim of coming to a shared decision.

Discussions are also being had between Officers and Members of the three Councils over the future role of North Essex Garden Communities (NEGC) Ltd in light of the Inspector's findings but mainly because we are moving from the planning and promoting Garden Communities to delivery phase of Tendring Colchester Borders.

Officers will keep us updated in the coming days and weeks."

Councillor G V Guglielmi declared a personal interest in the contents of the Statement insofar as he was an alternate Board Director of NEGC Ltd.

Members asked questions of the Chairman on his statement which he responded to along with the Chief Executive and the Assistant Director (Governance) & Monitoring Officer.

The Committee noted the foregoing.

8. REPORT OF THE CORPORATE DIRECTOR (PLACE AND ECONOMY) - A.1 - UPDATED HOUSING SUPPLY POSITION AND HOUSING TRAJECTORY

Councillors Allen, Bush and Chapman each had earlier declared interests in relation to Agenda Item 7 – Report A.1 – Updated Housing Supply Position and Housing Trajectory insofar as there were development sites mentioned in the report and/or its appendices for which they were a Ward Member and/or a parish/town councillor.

Councillor G V Guglielmi had earlier declared an interest in relation to Agenda Item 7 – Report A.1 – Updated Housing Supply Position and Housing Trajectory insofar as Site SGG9 (Land off Colchester Road, Lawford) in Appendix 5 (Assessment of Alternative Sites) of the Strategic Housing Land Availability Assessment (SHLAA) was opposite his dwelling.

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Place and Economy) (A.1) which reported:-

- the Planning Inspector's latest conclusions on the housing requirement for Tendring;

- the number of new homes built in Tendring during the 2019/20 financial year and the up-dated year-by-year 'trajectory' for future housebuilding (taking the impact of COVID-19 into account);
- the current housing land supply position (the 'five-year' supply); and
- the implications for Section 2 of the Local Plan and the determination of planning applications.

Key Points

Members were informed of the key points of the report as follows:

- the Planning Inspector for the Section 1 Local Plan had again confirmed 550 homes per year as a 'sound' housing requirement for Tendring;
- 784 new homes had been built in the 2019/20 financial year, meaning that the housing requirement had been achieved for the fourth year running – however, the COVID-19 coronavirus outbreak was expected to have a significant impact on the rate of housebuilding in 2020/21 and future years;
- even with adjustments for the impact of the COVID-19, there was still sufficient land allocated for housing development in the emerging Local Plan, or with planning permission, to comfortably achieve the District's housing requirement up to 2033 without the need for any additional sites; and
- the Council could only demonstrate a 4.45 year supply of deliverable housing sites against the Government requirement to demonstrate a 5 year supply – but this was only because of a technicality within Government planning policy which required Councils to measure housing delivery against nationally set targets until such time as their Local Plan was formally adopted. This had implications for the way the Council currently dealt with planning applications.

Housing Requirement

In respect of the housing requirement it was reported that, following the further examination hearings for Section 1 of the Local Plan, the Planning Inspector had concluded, in his 15 May 2020 letter, that the 'objectively assessed housing need' (OAN) of 550 homes a year, as set out in the emerging plan, was still based on sound evidence and that there was no need to increase the figure in response to objections from some developers and landowners. The housing requirement for the period of the Local Plan 2013-2033 should therefore remain at 11,000 homes. With approximately 3,600 homes already built between 2013 and 2020, the remaining requirement between now and 2033 stood at approximately 7,400.

The Planning Inspector had also concluded that the Tendring Colchester Borders Garden Community could reasonably be expected to contribute 1,000 homes towards Tendring's housing requirement between now and 2033; if the North Essex Authorities decided to proceed with that proposal.

Housing Completions and Future Trajectory

In relation to housing completions and future trajectory the Committee was made aware that in the period 1 April 2019 to 31 March 2020, a net total of 784 new homes had been

completed in Tendring. This meant that the housebuilding target of 550 homes a year had now been achieved for a fourth year in succession. However, the COVID-19 coronavirus outbreak was already having a significant impact on rates of housebuilding and this was likely to continue some way into the future.

It was reported that Officers had updated the Council's 'Strategic Housing Land Availability Assessment' (SHLAA) which contained a trajectory for future housing building and adjustments to predicted housing delivery that had been made in response to COVID-19 and various other factors and information. It was likely that housebuilding would fall to around 550 in the 2020/21 financial year, but that delivery would then gradually improve over subsequent years.

Implications for the Local Plan

The Committee was informed that when the Local Plan had been submitted to the Secretary of State in October 2017, the housing supply figures set out in the various tables within the Plan had provided a fairly accurate account of the position at that time. However, in the two and a half years that had passed since the Plan was submitted, more houses had been built, more sites had obtained planning permission (either through decisions of the Council or through the appeal process) and the anticipated timescales for certain developments had needed to be reviewed – particularly in light of the potential impacts of the COVID-19 outbreak, the Planning Inspector's conclusions on Section 1 of the Local Plan and more up to date information supplied by developers and landowners.

It was therefore proposed that, ahead of the examination of Section 2 of the Local Plan, the Council should submit a 'topic paper' to the Planning Inspector which updated all of the housing figures in the Local Plan. Therefore the Committee was requested to agree the proposed updates, which included 'pushing back' the expected timescales for some of the larger developments in the Local Plan which were yet to obtain planning permission and for which more time was likely to be required for master planning and negotiations with landowners and developers. The 'Hartley Gardens' development proposed for north-west Clacton was the most notable of the developments that were expected to require more time for landowner discussions and master planning.

However, the 'good news' was that, even with adjustments for COVID-19, the updated SHLAA demonstrated that the sites allocated for housing development in the emerging Local Plan, along with sites that had already obtained planning permission, were more than sufficient to deliver the remaining 7,400 homes needed between now and 2033 – incorporating a healthy level of 'headroom' flexibility. There was subsequently no need, at this time, to include any additional sites in the Local Plan for housing.

Five Year Housing Supply and Decision Making

Members were aware that the Government required Councils to demonstrate an ongoing 'five year supply' of deliverable housing sites in order to ensure that they were well placed to meet their future housing needs. However, in February 2019, the Government had amended the National Planning Policy Framework (NPPF) which affected the way Councils calculated whether they could identify a five year housing supply – which had had particularly unfortunate implications for determining planning applications in Tendring.

The Committee was advised that where a Council's adopted Local Plan housing policies were more than five years old (as was the case in Tendring), they were required to calculate housing supply against a 'local housing need' figure generated using the Government's standard methodology which, for Tendring, had meant a housing target of 865 homes a year as opposed to the 550 homes a year target in the emerging (but yet to be adopted) Local Plan. This significantly higher figure was based on official population and household projections which, for Tendring, were known to contain errors and were considered to be substantially 'over-inflated'.

Therefore, despite the Planning Inspector's endorsement of 550 homes a year as the housing requirement for Tendring, and the very strong performance against that target in recent years, the change in Government planning policy meant that this Council could technically only demonstrate a 4.45 year supply of deliverable housing sites. Because of this, until Section 1 of the Local Plan was formally adopted or the Council was otherwise able to demonstrate a five year housing supply against the higher figure, planning applications for new housing would still have to be considered on their merits – weighing up the harm against the benefits, even where they were contrary to the emerging Local Plan.

During the consideration of this item the Temporary Assistant Director (Strategic Planning and Place) undertook to rename Appendix 5 of the SHLAA as "Assessment of Discounted and Alternative Sites" and to amend the key to the related Maps accordingly.

Having duly considered and discussed the contents of the report and its appendices:-

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

RESOLVED that the Planning Policy and Local Plan Committee endorses the contents of this report and the new Strategic Housing Land Availability Assessment (SHLAA) (attached as Appendix 2) as evidence to support the deliverability of housing proposals in the new Local Plan and to demonstrate an up-to-date housing land supply position for the purposes of updating the Local Plan (as set out in Appendix 1), determining planning applications and contesting planning appeals.

9. REPORT OF THE CORPORATE DIRECTOR (PLACE AND ECONOMY) - A.2 - HOUSING SIZE, STANDARDS, EFFICIENCY AND ACCESSIBILITY

The Committee had before it a comprehensive report (and appendix) of the Corporate Director (Place and Economy) (A.2) which sought its endorsement for suggested amendments to policies in the Council's emerging Local Plan that related to the design, layout and quality of new housing.

Key Points

Members were informed that the suggested amendments to Local Plan policies set out in this report were aimed at:

- explicitly embracing the Government's technical housing standards which set minimum requirements for internal space in new housing;

- explicitly setting out the Council's expectations for minimum garden sizes in Tendring, rather than referring developers to the standards set out in the separate Essex Design Guide;
- promoting the installation of solar panels and vehicle charging points in new residential properties along with other measures to improve sustainability, including water efficiency;
- promoting improved standards of accessibility to ensure homes were fit for purpose and adaptable for older and disabled people; and
- addressing any other policy wording issues either identified by Officers or raised by objectors to the Local Plan during the last formal consultation period in 2017.

The Committee was reminded that Section 2 of the Council's emerging Local Plan contained a number of policies concerned with the design, quality and layout of development as well as renewable energy and water efficiency. Given the time that had passed since the Local Plan had been submitted to the Secretary of State to begin the examination process, Officers had been reviewing the content and specific wording of those policies, taking into account any comments that had been submitted during the last statutory consultation period in 2017, any changes in Government policy and any new evidence or other factors that had arisen. In response to specific local concerns (including those raised by the Council's Planning Committee when determining planning applications), the Chairman of the Planning Policy and Local Plan Committee had also asked Officers to consider, specifically, whether the wording of any of the policies in the Section 2 Local Plan could be strengthened to help improve the quality of new homes, particularly in respect of their internal space, garden sizes, energy efficiency and accessibility. Those matters were considered in this report.

Internal space standards

It was reported that one of the concerns that had arisen both nationally and locally was the size of new residential property, in particular their internal dimensions and the effects they could have on quality of life. For some years, Members of this Council had referred to, and advocated a return to, the 1960s 'Parker Morris' housing standards (or a modern day equivalent) as a way of improving the size and quality of new housing in Tendring. In 2015, the Government had introduced optional internal space standards called the 'Technical housing standards - nationally described space standard' (often referred to as 'The Standard') which local authorities could adopt through their Local Plan policies, so long as they could evidence that they were necessary, economically viable and would not have a negative impact on affordability. Those standards were similar in many respects to the historic Parker Morris approach and Officers were satisfied that there was sufficient evidence of need and viability to justify their application.

Members were aware that through the emerging Local Plan, the Council had already sought to embrace such minimum internal standards. Policy LP3 'Housing Density and Standards' in Section 2 of the Council's emerging Local Plan for example required new residential and mixed-use development in order to achieve an appropriate housing density that had regard to, amongst other things, "*national minimum floor-space standards*". Similarly, Policy LP4 'Housing Layout' required the design and layout of new residential and mixed-use developments in the Tendring District to meet certain criteria,

including that they “ensure dwellings meet minimum standards of internal space”. However, as neither policy explicitly referred to the Government’s Standard Officers therefore considered that amendments would be sensible in order to avoid any ambiguity.

Members were further aware that Section 2 of the Local Plan had yet to be examined by an independent Planning Inspector (pending the final outcome of the Section 1 examination); and whilst Policies LP3 and LP4 had not attracted a significant level of objection during the last round of public consultation in 2017, there were a relatively small number of objections from the development industry which - 1) challenged the Council’s justification for wanting to apply minimum space standards and requiring evidence on need and the impacts on viability and affordability; and 2) sought clarification on which standards would apply. There were also a number of comments about the wording of the policies and how their various criteria would apply in practice. A number of amendments had therefore been put forward for Members’ consideration.

Private Amenity (Garden) Standards

The Committee recalled that Policy SPL3 in the emerging Local Plan entitled ‘Sustainable Design’ required, amongst other things, that new development made provision for private amenity space. Policy LP4 on ‘Housing Layout’ then referred to the Essex Design Guide for Residential & Mixed-Use Developments, within which were contained the standards for private amenity or garden sizes that planning applications were judged against. Unlike the 2007 adopted Local Plan, the emerging Local Plan did not contain a specific policy of its own in relation to garden sizes.

On reflection, because the approach set out in 2007 Local Plan remained broadly in line with the current Essex Design Guide and there had been calls for the emerging Local Plan to be more explicit in respect of garden sizes, Officers were now recommending that it be suggested to the Planning Inspector, as part of the examination of the Section 2 Plan, that a private amenity or garden sizes policy was included in the new Local Plan. Details of this were set out in the Officer’s report.

Energy efficiency and climate change

Members were advised that another area of concern was the ability of new residential property to minimise energy consumption and to embrace other measures aimed at reducing carbon emissions and tackling global climate change. Whilst today’s building regulations already required new homes to meet high levels of energy efficiency through their design, insulation and technology; authorities could require, through their planning policies, developments to exceed regular standards.

In August 2019, this Council had declared a ‘climate emergency’ which committed it to preparing an action plan for consideration by Councillors with the aim of making its activities carbon neutral by 2030. A Climate Change Working Group had been set up to explore the opportunities and to develop recommendations for achieving this goal and consultants were assisting with the preparation of the action plan. On the request of the Chairman of the Planning Policy and Local Plan Committee, Officers had considered whether the policies in the emerging Local Plan could be strengthened to require, specifically, new residential development to be installed with solar panels and charging points for electric vehicles (in anticipation of significant increases in electric car ownership in the future). Officers had considered the potential cost of installation and

the potential visual impacts in concluding that the policies could be strengthened and amendments had therefore been put forward for Members' consideration.

Water efficiency

The Committee was aware that, as the population grew and more new homes were built, there was increasing pressure to make efficient use of water resources and the design and specification of new housing had a role to play in achieving such efficiencies. Whilst the Tendring District was not identified specifically as an area of serious stress in terms of water supply, there were obvious benefits to householders and to the wider environment to reducing consumption. Policy PPL5 in the emerging Local Plan entitled 'Water Conservation, Drainage and Sewerage' already required developers to consider measures aimed at maintaining the supply of drinking water and it was considered that the requirements of the policy could be strengthened to require such measures to be implemented.

Accessibility and adaptability

It was suggested that, with a higher than average proportion of older and disabled residents in the Tendring area, there was a good argument for having more residential property that was easily accessible for people with mobility impairments and/or adaptable to people's changing mobility through the course of their life. The building regulations included two optional requirements in relation to access in residential property which could be specifically promoted through policies in the Local Plan namely

- Requirement M4(2) which required new dwellings to make reasonable provision for most people to access the building and to incorporate features that made it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users; and
- Requirement M4(3) which required new dwellings to make reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and for them to use any associated private outdoor space, parking and communal facilities that might be provided for the use of the occupants.

It was further reported that Policy SPL3 in the emerging Local Plan (which dealt generally with 'Sustainable Design') already included a requirement that, on housing developments of 10 or more dwellings, 10% of market housing should be Building Regulations Part M4(2) compliant and, for affordable housing, 10% should be Part M4(2) compliant and 5% should be Part M4(3) compliant. This requirement had been tested and confirmed as economically viable through the Council's viability assessments. However, Officers considered that those requirements could be set out more clearly and explicitly within Policy LP4 which was more specifically concerned with the design and layout of new housing development.

Summary of Suggested Policy Amendments

Policy SPL3 - SUSTAINABLE DESIGN

It was reported that the suggested amendments to Section A of the policy in respect of landscape character and the use of locally occurring and characteristic hedge species had been advised by Essex County Council in its representations to the Local Plan and the suggested amendments to Section B in respect of highways responded to comments raised by Persimmon and Gladman Homes. The additions to criterion d) of Section B responded to the need for action in response to the climate emergency. The suggested deletion of the asterisk and paragraph relating to Part M accessibility standards was to enable such guidance to be more logically set out in Policy LP3. The inclusion of a new criterion e) to Section C of the policy was to address a particular concern raised by the Chairman of Planning Policy and Local Plan Committee which reflected local concerns about the impact of development on neighbours during the construction phase and the damage caused to the highway and public realm.

Policy LP3 - HOUSING DENSITY AND STANDARDS

Members were informed that the suggested amendments to criterion b) of Policy LP3 were to make it explicit that it was the nationally described space standards that should be met in new residential developments and to refer to the new section of the policy proposed in respect of minimum garden sizes, which reflected the wording already present in the Council's adopted Local Plan. The reference to public rights of way in criterion f) of the policy was in response to a specific representation from the Essex Bridleways Trust. The inclusion of the paragraph relating to Part M accessibility standards followed the suggested deletion of such wording from Policy SPL3.

Policy LP4 - HOUSING LAYOUT

The Committee was advised that numerous amendments were proposed for Policy LP4 – mainly aimed at addressing local concerns about the quality of new residential development and providing more detail of the principles expected to be followed. The simplified reference to development density responded to representations from developers highlighting the potential confusion caused by the existing wording around town centres, semi-rural areas and urban areas. The additional reference to Neighbourhood Plans and Village Design Statements should help to ensure that those planning documents produced at a local or parish level and adopted by the District Council were given due consideration in the determination of housing schemes.

Policy PPL5 - WATER CONSERVATION, DRAINAGE AND SEWERAGE

Members were made aware that the amendment to the second paragraph relating to the sewerage provision responded directly to the advice of Natural England and the additions to the third paragraph were simply designed to ensure that measures aimed at minimising water consumption were not only considered, but also implemented.

Policy PPL10 - RENEWABLE ENERGY GENERATION

Members were advised that the suggested amendments to Policy PPL10 were aimed at strengthening the policy to ensure, amongst other things, that the incorporation of solar panels into new residential and other developments was a clear requirement and expectation of the Council, apart from Conservation Areas where it might not be appropriate visually.

Next steps

The Committee was aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector had the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was therefore recommended that the changes outlined in this report be put forward to the Inspector for their consideration, at the appropriate time.

Having duly considered and discussed the contents of the report and its appendix:-

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

RESOLVED that the Planning Policy and Local Plan Committee -

- a) has considered the Officers' suggested amendments to Policies SPL3, LP3, LP4, PPL5 and PPL10 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in Appendix 1 to this report be approved;
- b) authorises the Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy and Local Plan Committee, to put forward the additional suggested amendments to the above policies based upon the Committee's debate to the Planning Inspector for their consideration as part of the examination of the Section 2 Plan; and
- c) requests that further consultation is undertaken with the Council's Climate Emergency Working Party (with invites extended to members of the Planning Policy and Local Plan Committee, who wish to be involved) prior to reporting back to the Committee.

10. REPORT OF CORPORATE DIRECTOR (PLACE AND ECONOMY) - A.3 - UPDATE ON NEIGHBOURHOOD PLANS FOR ARDLEIGH AND ALRESFORD

Councillor Scott had earlier in the meeting declared a personal interest in relation to Agenda Item 9 – Report A.3 – Update on Neighbourhood Plans for Ardleigh and Alresford insofar as he was both a Ward Member and a parish councillor for Alresford. He participated in the discussion of this item but took no part in the voting on the Alresford Neighbourhood Plan.

The Committee had before it a detailed report (and appendices) of the Corporate Director (Place and Economy) (A.3) which updated it on the progress of Ardleigh Parish Council and Alresford Parish Council in producing 'Neighbourhood Plans' for their respective areas and which advised on the next steps in the process.

Key Points:

- Ardleigh Parish Council had begun the process of preparing a Neighbourhood Plan and was seeking the District Council's agreement to designating the whole of the Ardleigh Parish as the 'Neighbourhood Development Plan Area'. Officers had

recommended that the Planning Policy and Local Plan Committee agrees to this in order to allow the Parish Council to continue work on its plan.

- Alresford Parish Council was at a more advanced stage of preparing its Neighbourhood Plan, having prepared a draft and undertaken public consultation. The Parish Council now had to formally submit its final version to the District Council in order to initiate the next steps including final consultation, independent examination and local referendum.
- Neighbourhood Plans were designed to supplement the policies and proposals in the District Local Plan. Officers work constructively to assist the Parish Councils in preparing their Neighbourhood Plans to ensure this, as well as compliance with the various legal and policy requirements.

Members were informed that Neighbourhood Plans could be prepared by either Town and Parish Councils or other recognised neighbourhood forums in order to set out specific planning policies and proposals for their local area. Neighbourhood Plans must support and not prejudice the delivery of strategic policies in the District Local Plan but they could add an additional level of guidance and could propose additional developments aimed at addressing locally identified needs and aspirations. Once formally adopted, a Neighbourhood Plan formed part of the Statutory 'Development Plan', alongside the District Local Plan and became a material consideration in the determination of planning applications.

It was reported that there was a formal process for preparing a Neighbourhood Plan that included the identification and confirmation of the 'Neighbourhood Plan Area'; public consultation; independent examination; a local referendum; and formal adoption by the District Council as the Local Planning Authority. To date, Ardleigh Parish Council and Alresford Parish Council were the only bodies in Tendring that were actively involved in preparing Neighbourhood Plans.

Members were made aware that Ardleigh Parish Council was at the very beginning of the Neighbourhood Planning process having submitted an application to Tendring District Council to agree the proposed Neighbourhood Development Plan Area (NDPA). As was common with many Neighbourhood Plans, the Parish Council had applied for the whole of the Ardleigh Parish to be designated as the NDPA.

The Committee was advised that the proposed NDPA had to be formally approved for designation by the Local Planning Authority, although regulations and Government guidance dictated that where a Parish or Town Council simply applied to designate its own administrative area, the Local Planning Authority was expected to agree. Furthermore, an eight-week consultation on the proposed NDPA had been carried out earlier this year and it had attracted no objections. The Committee was therefore being asked to agree to the designation of Ardleigh Parish as a Neighbourhood Development Plan Area, thus allowing Ardleigh Parish Council to progress within the preparation of its Neighbourhood Plan.

It was noted that Neighbourhood Plans must compliment and not prejudice the policies and proposals in the District Local Plan. Therefore, Ardleigh Parish Council would need to ensure the policies and proposals in their Neighbourhood Plan did not prejudice the delivery of, amongst other schemes, the Tendring Colchester Borders Garden Community of which, pending the final outcome of the Section 1 Local Plan examination, a large proportion would be located in Ardleigh Parish.

The Committee was also informed that Alresford Parish Council was at a more advanced stage in the process and had prepared a draft Neighbourhood Plan that had been the subject of a seven-week public consultation. Officers had been assisting the Parish Council with comments and advice and had commissioned a Strategic Environmental Assessment and Habitats Regulation Assessment required as part of the process.

It was reported that some of the key policies and proposals in the emerging Alresford Neighbourhood Plan included new open spaces; additional protection for existing open spaces; the identification of important non-designated heritage assets; encouragement of developments of new housing for older people; and additional policy requirements aimed at incorporating wildlife into new development.

Members were advised that the Parish Council was now considering the comments received as part of the consultation exercise in order to determine whether any further changes to the Neighbourhood Plan were required.

It was further reported that the next step for Alresford was for the Parish Council to formally submit the revised draft Neighbourhood Plan to the District Council so that Officers could check that it complied with all relevant legislation. If it did, this Council would then hold a formal consultation exercise and appoint an independent Inspector to undertake an examination-in-public.

Having duly considered and discussed the contents of the report:-

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

RESOLVED (a) that the application from Ardleigh Parish Council to designate the whole of the Ardleigh Parish as a Neighbourhood Development Plan Area (NDPA) be noted and that that designation be approved.

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

RESOLVED (b) that the progress of the Alresford Neighbourhood Development Plan be noted.

The meeting was declared closed at 2.20 pm

Chairman

Public Document Pack

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 22ND JUNE, 2020 AT 7.30 PM
THE MEETING WAS HELD IN ACCORDANCE WITH SI 2020/392. LINK TO LIVE
STREAM IS FOUND HERE: [HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Bray, Codling, Griffiths, Morrison and Turner
Also Present:	Councillors Calver, Cawthron and C.Guglielmi (Deputy Leader of Council; Portfolio Holder for Corporate Finance & Governance)
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Karen Harges (IT Training Officer)

57. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no absences or substitutions.

58. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Monday 17 February 2020 were approved as a correct record and were then signed by the Chairman.

The Chairman drew the Committee's attention to Minute 54 from the 17 February meeting and that a response to the Committee's recommendations on the waste and recycling service had been published from the Portfolio Holder for Environment and Public Space. The Chairman expressed his concern about elements of the response. However, as the matter would be considered at the next Council meeting those concerns would anyway be raised there. In response to requests, the published response of the Portfolio Holder would be circulated to Members of this Committee.

59. DECLARATIONS OF INTEREST

Councillor Allen declared an interest for the public record in regards to agenda item number 5, Business rates COVID 19 Grants Scheme as he had received this grant.

Councillor C Guglielmi declared an interest for the public record in regards to agenda item 7, NEGC Ltd. Budget and Business plans as he was the alternate director to NEGC Ltd.

Councillor Turner declared an interest for the public record in regards to agenda item 7, NEGC Ltd budget and Business plans.

Councillor Scott declared an interest for the public record in regards to agenda item 5, Business rates COVID 19 Grants Scheme as he was the chairman of the Autumn Centre and they had received the aforementioned grant.

60. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

61. SCRUTINY OF DECISIONS OF THE LEADER OF THE COUNCIL DURING THE PEAK OF THE COVID-19 PANDEMIC IN SO FAR AS THEY RELATE TO THE PANDEMIC AND THE RESPONSE TO IT

The Committee reviewed the decisions taken by the Leader of the Council during the peak of the COVID-19 pandemic in so far as they related to the pandemic and the response to it.

The following was a list of those decisions and the supporting papers were available through the links created by the list:

[Discretionary Business Support Scheme ref: 4989](#)

[Write-Off of Leisure Centre Membership Fees Income for May 2020 ref: 4848](#)

[Business Rates Covid-19 Grants Scheme ref: 4733](#)

[Council Tax Hardship Scheme ref: 4732](#)

[Write-Off of Leisure Facilities Income ref: 4731](#)

[Tendring Community Fund - Allocation of £1,000 to Members ref: 4730](#)

[CAROS Scheme - Waiver of Rents ref: 4728](#)

Members were given the opportunity to ask any questions, which in turn were responded to by the Assistant Director of Finance, IT and Section 151 Officer

Following discussion, the Committee **RECOMMENDED TO THE CABINET:**

- a) That the swift decision to use of part of the Tendring Community Fund to provide for Ward Councillors to nominate organisations to receive grants to enable them to respond to the Covid19 pandemic locally, within an overall limit of £1,000 per Ward Councillor, be recognized as being a success.
- b) That the approval of the publicly announced intention to write-off the Leisure Centre Membership Fees for June etc be regularised.
- c) That the waiver of rents for those within the CAROS Scheme be extended to the end of August 2020 at least.

d) That a second allocation of £48,000 from the Tendring Community Fund to provide for Ward Councillors to nominate organisations to receive grants to enable them to respond to a second wave of the Covid19 pandemic locally (and related lockdown), should that situation occur, be committed to at this stage.

**62. REPORT OF ASSISTANT DIRECTOR (FINANCE AND IT) & SECTION 151 OFFICER
- A.1 - FINANCIAL PERFORMANCE REPORT: IMPACT OF COVID-19**

The Committee was provided with an early update on the financial impact of COVID 19 on the Council's in-year financial position and looked ahead to 2021/22 as part of the long term forecast.

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

In providing this high level narrative on the Council's financial position, information was presented 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

Members were informed that at the end of April 2020, the income collected was **£384,907** lower than for the same period last year, with the biggest impact being seen in car parks and sport and leisure facilities. Further details were set out in **Appendix A**. When reviewing the overall income position, there are 3 distinct headings that the various income strands fell within as follows:

- 1) Areas where there was a stronger link to the timing of the service being delivered and the point income was derived from fees and charges. The situation with parking and leisure facilities fell within this heading. In such cases the income was deemed to be 'lost' and therefore unrecoverable over the rest of the year.
- 2) Areas where the income was deemed to be deferred as it was linked to an activity that had not happened yet but was still likely to happen so it would be collectable at some time in the future, possibly over the remainder of the financial year. Planning and

Building Control fell within this heading as would cemeteries and the crematorium, albeit for different reasons.

3) The third heading was really an extension of point 2) where the income was deemed to be deferred but was likely to span more than one financial year. A good example of this would be career track income where there had been delays to new starters on the career track programme. As the career track scheme followed a three year programme, income would still be receivable but it will have to be accounted for in different years in order to align with the course start and end dates.

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

It was also explained that although it was worth taking a cautious stance at this stage, April had seen a significant increase in the number of customers signing up to the garden waste scheme. Recycling rates had also seen an upturn, both of which would hopefully continue and therefore contribute to the financial position over the rest of the financial year. No amounts from those two activities had been included in the financial analysis at this stage but would be revisited later in the year.

LCTSS, Council Tax and Business Rates

It was reported to the Committee that given the scale of income the Council Raises from council tax and business rates, this area of the budget presented one of the greater risks associated with the economic downturn currently being experienced. However to date the position remained relatively positive across both council tax and business rates. Further details were set out in **Appendix B**.

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

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

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

Appendix B also highlighted (within the columns shaded grey) that the total debit collectable was higher than the figure budgeted to be collected. This was usually the case as the budget reflected a number of cautious assumptions but it did 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 was 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 this Council had collected **10.39%** of the total annual amount budgeted for of **£14,271,198** - at the same point last year, this Council had collected **11.44%**. It was also worth drawing attention to the fact that the total amount collectible had significantly reduced compared to last year given the level of business rate reliefs that the Government had put in place – a new scheme for this year related to the hospitality, retail and leisure sectors to support them during the COVID 19 crisis. This would have a positive impact on collection performance as the cost of any reliefs awarded (currently estimated at over **£15m**) would 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 was the case with council tax, this was higher so provided some headroom if collection performance was adversely affected in the coming months.

Although not expected to have a direct financial impact on the Council, a significant element of activity undertaken in April / May related 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 the report had been finalised, the Council had paid out 82% of grants to eligible businesses. It was noted that Tendring had a significant number of eligible businesses when compared with elsewhere in the country (in top 3rd nationally). Many of those were small businesses which were harder to reach in the current circumstances. However a number of activities remain in progress to ensure the money reached all of those remaining 18% of eligible businesses and included:

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. Essex County Council 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 Committee was made aware that the Government had set out their expectation in terms of the robust administration of the scheme including strong recovery action where it was identified from post payment checks that money had been paid out incorrectly. The Government had also stated that they would underwrite the financial risks associated with the scheme where Local Authorities could demonstrate they had done all that was reasonably possible to protect the funding that had been made available. However there remained a small but probably unlikely risk that they would not reimburse the full cost of the scheme if they thought the Council had not done enough, but it was not anticipated that they would take a disproportionately hard line on the overall reconciliation process.

Members were informed that the Government guidance received on 13 May 2020 had set out details of an extended business rates grants scheme. Although the Government had made it clear that it was a discretionary scheme, they had set out a number of high level principles which included:

- It is aimed at micro and small businesses
- Local Authorities are asked to prioritise the following types of businesses:
 1. Small businesses in shared offices or other flexible workspaces.
 2. Regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment;
 3. Bed & Breakfasts which pay Council Tax instead of business rates; and
 4. 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 looked 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 had also been made more complicated by the introduction of a funding cap, which had been set by the Government as 5% of the total cost of the original scheme. The design of the scheme therefore needed to meet all of the high level criteria whilst being accommodated within a set funding limit which was inherently challenging. However the complexity of the scheme needed to be balanced whilst maintaining the primary aim of getting the money out to eligible businesses as quickly as possible. The Government had made it clear that they expected this money to start to be paid out by early June.

Direct Financial Impact from COVID 19

It was explained to the Committee that taking all of the above into account, the estimated impact of the COVID 19 crisis over April to June had been summarised in **Appendix C**. Further details were set out below and it was important as it highlighted that the figures for May and June were based on very early estimates of the likely position.

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

In terms of salary costs, the Government had announced a furlough scheme where 80% of employee costs could be reclaimed. However the Government had made it clear that they did not expect Local Authorities to access the scheme unless there were exceptional circumstances. To date the Council had not considered applying to this scheme as many officers were re-deployed 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 such difficult times.

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

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

The Committee was advised that although the Council held insurance for business interruption cover, there remained significant doubt whether any losses incurred to date would be insurable given the unprecedented pandemic situation.

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

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

Members were informed that the Government had 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 was **£1,557,527** which more than offset the net costs incurred above.

The Committee was informed that it would be too optimistic to think that the budgetary position would revert back to normal from July onwards and it was likely that this balance of funding would be required heading into the second quarter of the year as estimates changed. The Government had also indicated that District Council's should explore opportunities to pass some of this funding onto Town and Parish Councils where they were directly responding to the COVID 19 crisis.

It was also recognised that returning to 'business as usual' would generate additional costs. Measures to reopen facilities as allowed for within the Government's 3 step plan would not only be complex but would also likely require modifications to be made to not

only working practices but also to the buildings and facilities themselves. Although work remained in progress to plan for this eventuality, it was too early to estimate the full costs,

especially as plans would need to react to Government guidance that was expected to emerge over the coming weeks. It was also recognised that facilities might not be able to operate at normal capacity for some time, which would have a knock on impact on the ability generated the income levels currently included in the budget.

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

Those issues 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 might extend their financial support to Local Authorities, the Council did hold uncommitted reserves of **£4,000,000** which took into account the need to react to emergency situations such as the one currently being faced. Therefore there might be a requirement to draw money down from this reserve going into July and beyond or to review existing budgets in order to identify if money could be re-prioritised to meet any additional financial pressures. It was 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 were based around a risk assessed position.

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

The Committee was informed that there were various economic views, with terms given such as 'V shaped' and 'U shaped' economic recoveries. As the names suggested, a 'V shaped' recovery is where economic activity recovered as quickly as it had declined with a 'U shaped' recovery having a longer lead in time before there were signs of a recovery. Some views indicated that the issue we were facing was only temporary and there was no underlying or systemic issue such as the one faced in the financial crash back in 2008, which suggested a 'V shaped' recovery was more likely.

Cash Flow Implications

It was reported to Members another issue that many local authorities faced was managing a positive cash flow position and having access to enough cash to be able to pay their bills etc.

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

However to date, through robust treasuring management practices, this Council had not experienced any major cash flow issues. Although subject to change over the rest of the year, at the present time no major issues were expected, especially if income collection

performance from council tax and business rates did not deteriorate significantly over the coming months.

Other Issues Including the Housing Revenue Account (HRA)

In respect of the HRA, Members were informed that there were no major issues to highlight at the present time. Income collection remained 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 were being provided as far as reasonably possible, although there might be delays to some non-urgent repair and maintenance work which would be undertaken as soon as possible later in the year.

Given the timing of this report, it was highlighted that the Committee was also made aware of 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 had supplied and maintained the Council's cremators, the risk of the cremators failing and therefore becoming un-operational had increased. Although the service could be delivered at the present time, the Service was exploring the options available to the Council as part of its usual business continuity plans.

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.

The Committee deliberated over the report for a short time and **RECOMMENDED** that:

- a) the hard work of Council staff, led by the Chief Executive, community groups, individual Members and individual members of the public locally to support the local communities across Tendring (and particularly those most in need) and sustain businesses with the available grants, be applauded and recognized; including the Council's Finance and IT teams who created the system to pay those much needed grants at a swift pace.
- b) within the allocation of £4,000,000 for cliff stabilisation work, a district wide survey is commissioned this year to identify the implications for the Council of works and thereby assist in the resource considerations of the Council over the long term.
- c) the offer of the Portfolio Holder for Corporate Finance and Governance to include the Chairman of this Committee in an examination of the subject of Council House voids be welcomed.

[Note: Councillor Bray also requested to be included in the review identified at recommendation (c) above.]

63. **SCRUTINY OF PROPOSED DECISIONS**

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

The agenda for the forthcoming meeting of the Cabinet on 26 June 2020 had been published prior to the Resources and Services Committee Meeting and as such supporting papers relating to a number of the proposed Cabinet decisions were made available to Members of the Committee and aided in the discussion of those proposed decisions. A list of the forthcoming decisions taken from the Notice of such decisions on the Council's website was as follows (with the intended date for the relevant decision):

[Negc Ltd - Budget & Business Plans Etc. 24/07/2020](#)

[Corporate Priorities & Projects And New Performance Report 2020/21 - 24/07/2020](#)

[Housing Development And Acquisitions Strategy - 24/07/2020](#)

[Idox Corporate Application Support Contract Renewal - 26/06/2020](#)

[Financial Outturn 2019/20 And Proposed Allocation Of The General Fund Variance For The Year - 24/07/2020](#)

[Treasury Out Turn 2019/20 - 24/07/2020](#)

The Chairman and Members of the Committee also identified matters that they would wish to be subject to inquiry by the Committee at its meetings to be scheduled in July and August 2020 (or subsequently).

Subject to the Committee's agreement the proposed dates for those meetings were: Thursday 16 July 2020 and Thursday 13 August 2020.

The proposal for a meeting of the Committee on 16 July would prove problematic for several members of the Committee as it was also a date for a number of Parish/Town Council meetings.

It was **RECOMMENDED** that no more funding from this Council shall be released to NEGC Ltd until the Budget and Business Plan identified in the forthcoming decisions referred to here has been subject to an enquiry through this Committee.

The Committee **RESOLVED:**

(a) that the following not be included in its Work Programme:

- a) [IDOX Corporate Application Support Contract Renewal 26/06/2020](#)

[Note: The Portfolio Holder for Corporate Finance and Governance indicated his agreement to the above recommendation concerning NEGC Ltd and funding of it.]

(b) that the proposed date for a meeting of the Committee on 13 August 2020 be approved and that the Chairman be authorized to determine the date for the July meeting of the Committee on the basis that the proposed date of 16 July was not suitable for several Members.

The meeting was declared closed at 9.20 pm

Chairman

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON THURSDAY, 9TH JULY, 2020 AT 7.30 PM
THE MEETING WAS HELD IN ACCORDANCE WITH SI 2020/392. LINK TO THE
LIVE STREAM IS FOUND HERE:
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Amos, Barry, Codling, Griffiths, Morrison and Skeels
Also Present:	Councillors P Honeywood (Portfolio Holder for Housing), Davidson, Miles and G Stephenson
In Attendance:	Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Acting Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Democratic Services Officer) and Emma Haward (Leadership Support Assistant) Karen Harges (IT Training Officer and Matthew Cattermole (Business Support)

64. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray (with Councillor Amos substituting) and Harris (with Councillor Skeels substituting).

65. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Monday 22 June 2020 were approved as a correct record and were then signed by the Chairman.

66. DECLARATIONS OF INTEREST

Councillor Allen declared an interest for the public record in regards to Private Sector Housing Financial Assistance Policy (Minute 68(A) refers) as the Disability Facilities Grants works were going to go to public tender and as a local contractor he could submit a bid.

67. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

Pursuant to the provisions of Council Procedure Rule 38, Councillor Griffiths asked the Chairman of the Committee:-

“In regard to the Spendells item on the agenda for Cabinet, Friday, 26, June:-

- 1. Can you clarify why we are showing a base budget for 20/21 of £187,030, which, according to one of the appendix documents excludes employee costs? Given that there is a cost centre for employees' involvement in using Spendells as*

temporary accommodation, why are direct and indirect staff, based, or providing services at the site, not included in the cost?

- 2. I note the decision is to change this complex to emergency housing. Given that the clientele could range from homeless families, to single parents, couples, and single individuals, with an element of communal shower / washing facilities, what provisions are in place to screen individuals before we agree to accommodate them in Spendells?*

How do we as an authority intend to safeguard the vulnerable to ensure that we do not have residents living next door to individuals who have the ability to have an adverse impact on their well-being?

For example, can we guarantee that we will not have an individual with an unhealthy interest in small children dwelling next door to a single mother, or those with a drug, alcohol or mental health issue living next to a family?"

The Report and Appendices submitted to the meeting of the Cabinet held on 26 June 2020 were attached to the Agenda for this meeting by way of general background for the other Members of the Committee.

The Chairman responded to Councillor Griffiths' question as follows:-

In relation to the first question.

- 1. "The £187k budget referred to in the report is the existing non-employee budget which establishes the base funding position that is available to support homeless accommodation and other initiatives.*

The proposals set out in the report seek to establish Spendells House as temporary homeless accommodation, so from a budgetary perspective, the overall cost of the scheme (including employee and other costs) would need to be less than this existing base budget of £187k, otherwise it would present a cost pressure to the General Fund. The purpose of the analysis set out in Appendix A is to demonstrate that the full costs can be accommodated within this existing base budget of £187k."

In relation to the second question.

- 2. "Those who experience homelessness are in a vulnerable position already and we would not want their placement in temporary accommodation to increase their vulnerability. The arrangements for making placements will be no different to those we have in place currently. A homelessness application usually involves a thorough assessment of an individuals or families circumstances and past housing situation and nobody will be placed into accommodation where they are believed to pose a risk to others.*

The scheme will be operated on a zero tolerance basis with regard to alcohol and drug use and other unacceptable behaviour."

68. OVERVIEW AND SCRUTINY OF HOUSING ISSUES

The Committee conducted overview and scrutiny on the theme of Housing. A report of the Assistant Director (Housing and Environment) in respect of the items to be considered had been produced and circulated to the members of the Committee prior to the commencement of the meeting. Members paid particular emphasis to service delivery and performance in relation to:-

(A) PRIVATE SECTOR HOUSING FINANCIAL ASSISTANCE POLICY

The Committee was provided with the report on the Private Sector Housing Financial Assistance Policy as approved by the Cabinet on 26 June 2020 (Minute 24 of that meeting referred).

The Committee's consideration of the policy focussed on Disabled Facilities Grants (DFGs): the processes, the timescales, any obstacles to delivery and options for solutions (and whether those options had been pursued) and the relative advantages of pooling.

It was explained to the Members that the DFGs were mandatory grants for those in owner occupied, private rented or housing association properties to provide disabled adaptations and were the only grant left from the Housing Grants, Construction and Regeneration Act 1996. Funding for the DFG came from the Better Care Fund.

Grant applicants were encouraged to make their own decisions about how the process would work best for them and the Council did not control who they employed to undertake the works.

DFGs involved a number of stages, the first of which was an assessment by an occupational therapist from Essex County Council (ECC) which might follow on from a GP or a self-referral. The occupational therapist would make a referral to this Council recommending certain *necessary and appropriate* adaptations. It was the Council's role to then inspect and decide whether those adaptations were *reasonable and practical* before offering funding towards them.

The Committee was told that once the Council had agreed that works were reasonable and practical a grant application had to be made by the person benefitting from the works or their family. All applications were means tested and that determined whether they should contribute anything towards the cost of the work.

Applicants could choose to make the application and find builders themselves or they could employ an agency, commonly known as a home improvement agency, to help them. The agency's fees could be included in the grant.

Once an application had been made along with submission of builder estimates the Council had a statutory six month period in which to approve it. Once a grant had been approved the applicant was formally notified and could go ahead and start the work. On completion of the work the Council would conduct a final inspection and if everything was satisfactory it would release the grant money, often paying the contractor directly. At no point did the Council have any contractual relationship with any builders or an agency.

Members were informed that in 2019/20, 352 referrals had been received from ECC with 270 of those resulting in formal recommendations for adaptations being sent to this Council. 175 grants had been completed in 2019/20 totalling £1,558,797. A commitment of £751,000 had been carried over into 2020/21 in unspent grants both approved and pre-approval.

Unlike many authorities this Council had not had a waiting list since 2009 (apart from during the current Covid-19 outbreak but here the Council aimed to have caught up by mid-August).

It was reported that over the past 5 years this Council had made many changes to its processes and had been trying to continually improve the service it offered the residents of Tendring. Through the introduction of a grant co-ordinator post and hard work by Officers to streamline the process and go electronic, the time from receiving a valid application to formal approval had been reduced from 33 days to 7 (the statutory period was 6 months) and this Council's average payment timescales were the lowest in Essex.

The Committee was informed that the average timescale for approval to certified completion (fully paid and closed case), although not fully in the Council's control, had also reduced to 56 days from 122 days with the assistance of contractors and the local agencies (the guidance target was 80 days). The Council strove always to improve the works it could fund, to 'think outside the box' to achieve results, ensure longevity and deal with an increasing number of bariatric and dementia cases whilst also working with outside agencies.

Expertise

Members were made aware that the Council's DFG team was held in high regard within the DFG community. Foundations (the MCHLG appointed body overseeing Home Improvement Agencies and since 2015 providing advice to all authorities on the DFG whether they used a HIA or not) often passed this Council's details to other authorities who were looking for guidance. During the Covid-19 outbreak this Council had been contacted by several London Authorities to request advice about changes this Council had made for the continued provision of grants.

The Committee was advised that Ferret Information Systems were the leading specialist firm with regards to legislation and means testing – providing training and software. They had regularly confirmed that this Council processed cases correctly and provided the grants in the proper way. Again, this Council was often offered up as contact points for those authorities requiring advice.

Home Improvement Agencies

It was reported to the Committee that, since ECC had discontinued their countywide funded Home Improvement Agency contract, several agents had decided to work in the District. This Council had a memorandum of understanding with DG Accessible Designs Ltd (who provided a full grant service for those who need help) and another with Townsend Bowen (who provided a more tailored option for those who may only need plans drawn or surveyor help). The Council had actively tried to find further agents or architect services to offer clients over the last few years, finding Townsend Bowen, and had discussed the option of an in-house agency with the Building Control department of the Council.

Members were informed that several Essex Authorities had internal agencies either because of the ECC decision to remove the contract or because they had had one in place for many years. An agent (internal or otherwise) could charge fees for the services they provided (funded from the grant) while this Council could not take fees for the provision of the mandatory function of administering the grant.

Issues with the DFG

The report informed Members that a recent government funded review in 2018 had found that the main issues were:-

- The grant maximum of £30,000

That had been the grant maximum since 2008 and at that time it had been possible to provide a bedroom and specialist shower extension including all fees within that amount. This Council regularly provided grant maximum funding for those large projects, especially for children, but as the cost of building works had increased whilst the grant maximum had not, this Council was undertaking fewer large schemes as families could not afford the top-up required above the maximum grant figure. This Council had offered grants to families to move to suitable properties since 2010 as per government guidance but for some families this was still not a viable option. The Council's new policy aimed to offer a top-up for extensions of that kind which now cost approximately £45,000 until such time as the grant maximum was increased. The DFG community expected the government to announce the increase in the grant maximum when it looked into implementing the changes recommended in the review but that had been delayed first by Brexit and now further by Covid-19.

- The means test

The Government prescribed means test used allowances and premiums to assess what the disabled person (not applicable to children) and their partner could afford to contribute to the cost of the DFG funded works. This was based on what the government felt someone could afford to take out in a high street loan and did not take into account the actual outgoings of a person. If applicants were on an income related benefit they were pass-ported through the grant. When Council Tax Benefit had been removed and replaced by local schemes it had been a loss to the grant system and many people who would have been pass-ported were now means tested. Those who were working were unfairly treated in the prescribed test and often had high contributions. A full review of the means test had been requested and one option was to make it the same as the test for care provision. By removing the means test for simple stair lift installations in this Council's new financial assistance policy and treating them as equipment, it was felt that far more people would be able to stay in their homes who would otherwise struggle to fund works themselves. An option the Council had been discussing would be the introduction of a case worker position who could assist applicants with income maximisation and benefit applications such as attendance allowance, as those went in the favour of those being means tested and would, therefore, help more people get through the means test process until such time as it was reviewed again.

- Joining up the process

The review had stated that working more strategically with the CCG and other authorities would improve the uptake of the grant. This Council was an active member of the Essex Well Homes Group which consisted of ECC, the other Essex Authorities including the Unitary Authorities & Foundations. The CCG had so far not been active members but were aware of the work in question through the Local Health and Well Being Boards. Over the last few years the group had not only supported one another but had allowed this Council to formally agree the use of the Better Care Funding for discretionary works and allowed this Council to formulate the new policy.

The Members were made aware of what the Officers felt were the local issues with the DFG –

- ECC –This Council was reliant on ECC as they had the legal responsibility to decide what was “*necessary and appropriate*” for the person before this Council then took over the process. This Council worked closely with the local occupational therapist teams but ECC had, over the years, restructured regularly and this had led to the loss of those with knowledge of the DFG process. ECC had made changes to their processes without considering the Local Authorities’ requirements which had negatively affected the number of referrals. However, there had been a recent improvement in the working relationship between ECC and this Council which had significantly improved matters.
- Contractors – If the applicant initially did not use a local agent they often struggled to acquire the necessary quotes and usually had to employ an agent in the end. This delayed the grant process. There had also been a reduction in the number of contractors that the local agents could use which exacerbated the problem. The Council had changed its processes to speed up the process as much as possible and had encouraged the local agents to attempt to recruit more contractors.
- Tendring District Council's staff level – The Council currently had six full time members of staff within the team although those staff had other duties in addition to working on DFGs. The Grant Co-Ordinator post and a temporary increase from part time to full time for the administrative support post had greatly improved the work flow within the team. The Team had reviewed its work practices and processes for the first time in many years and had succeeded in making it simpler and more efficient. The Team planned on undertaking a review with finance and audit to look at further simplification of processes as well as further IT changes such as using computer tablets for inspections. The addition of a case worker would increase the number of grant applicants progressed past preliminary means test stage and also reduced the number of people leaving the process at final means test stage before approval. Foundations conducted a research project in December 2019 into staffing levels and the DFG which had demonstrated that this Council was already achieving a higher return than the average. The Council’s spend was the highest in Essex despite having a lower average cost of works than the England average and less staff per pound spent than Colchester and Basildon Councils. The planned pilot part time ECC occupational therapist to sit within Housing should bring additional benefits to the department as a whole, not just to the DFGs, and hopefully would prove the need for further occupational therapists to sit in the Housing Service of the Council.

The Committee was informed that overall therefore most of the issues with the DFG itself were not within this Council's control but despite that the new policy should make things easier for residents.

Despite Covid-19 during the first week of lockdown, and despite having a totally new way of working and some challenges, the Council had managed to pay £90,000 of grants in a single week to ensure contractors were paid and had continued to ensure that works were approved and paid for throughout the lockdown.

(B) VACATED/EMPTY COUNCIL HOUSING ('VOIDS')

The Committee looked at the numbers of empty properties there had been over the past year, the proportion that those represented of the entire Council housing estate, expectations on standards of vacated properties, the extent to which the vacated properties were subject to major/minor repair works, the target times for inspecting vacated properties once they were empty and for repairs to be conducted, the periods of time properties were empty, the lost rental income during the period it was empty and the cost of housing homeless persons in the same period. Members also examined the situation one year on from the Council taking back the ROALCO Ltd contract (following the company being placed in administration), the transfer of staff to the Council and responding to the immediate issue this posed and the plan for sustaining the work now and in the future.

It was reported to Members that the turnaround time for a void property depended on the condition it was left in by the previous tenant and the extent of previous works such as asbestos removal. Many were left in a poor condition and required extensive void works before they could be let again.

Many voids required replacement kitchens and bathrooms, caused by a combination of them having been abused by the tenant or that they had come to the end of their life span, unfortunately most of them were from abuse.

The voids process was as follows:

- Keys returned to Allocations service
- Keys passed on to Building and Engineering services
- Refurbishment and Demolition (RAD) survey carried out within 1 – 3 days with works specified and ordered the same day or day after
- Works carried out to bring property back to void standard which included:
 - all asbestos removed where practical.
 - complete redecoration following the necessary works
 - boiler upgrade where necessary
 - electrical upgrades where necessary
 - Window / door replacement as necessary
- Works completed – target 21 days from start but licensed asbestos removal could add at least 14 days due to HSE notification.

Statistics from 2019 /20

186 properties had become void during the year and 164 properties had been let again. Additionally 32 sheltered flats had become void and 11 had been let again during the year.

It was noted that some voids would carry over from the previous year and some would carry over into the following year so calculating figures was not straightforward. An authority with a housing stock the size of Tendring District Council could have around 100 properties vacant at any one time.

Void rent loss

Rental income loss as a result of void properties had been as follows:

Year	Void rent loss
2019/20	403,769
2018/19	287,823
2017/18	563,214
2016/17	Not submitted
2015/16	350,139
2014/15	286,931

ROALCO Contract Issues

The Committee was reminded that following the unforeseen collapse of ROALCO, the Term Maintenance Contractor for the Housing Stock, in July 2019, the Council had carried out a significant proportion of the repair work to the housing stock using both existing and a large number of casual staff. The Council had also used a number of contractors to support this function.

During this period two elements of work had been undertaken, one, as mentioned above, had been the actual carrying out of the repair work whilst trying to understand what staffing, equipment and materials were required to carry out this function.

The second had been to instigate a full tender process to replace ROALCO as a complimentary Term Maintenance contractor. That would allow the Authority to operate a 'mixed economy' approach and provide a 'backstop position' should the in-house team fail to operate efficiently as well as to provide cover if the volume of work exceeded the norm.

It was considered that the last 12 months had provided a valuable insight into what was required to run an in-house maintenance team for the Housing Stock. Therefore, Officers wanted to test the viability of a permanent in-house team by setting up a proof of concept model, for a fixed period of one year, in order to replicate the duties that a permanent workforce would carry out. Casual staff would still carry out the remaining duties until the Term Maintenance contract was in place. At that time, the casual workers would be released.

Members were made aware that the benefit of the proof of concept approach was that it would allow data to be collected that would provide accurate figures on the cost effectiveness of the in-house team and provide a comparison between the in-house and contractor's operating costs.

In order to help gather accurate information Officers were trialling a new software package, Oneserve, on a month-by-month basis. Oneserve was a software package that allowed for the accurate collection of data on a job-by-job basis taking into account the hours, materials, travelling time, and other associated costs. That would enable a very detailed understanding of the costs associated with running this element of the

service and would give an accurate picture of the length of time taken to undertake each job. If the trial was successful then it was proposed to roll it out across the rest of the service including Facilities Management and Engineering Services.

It was envisaged that the future maintenance of the housing stock would be provided using a combination of in-house and external workforces. This would provide a more stable, reliable way of re-introducing the in-house maintenance team back into the Authority. The proposed split in the work would be as follows:-

In-house team to carry out the following work;

- Window repairs
- Drainage Work
- Void work in Sheltered Blocks
- Sheltered unit day to day repairs
- Day to day repairs on the general stock

External Contractor to carry out the following work;

- All void work in General Housing Stock
- Foundations;
- Groundwork;
- Fencing and Gates;
- Drainage;
- Brickwork;
- Masonry;
- Roofing;
- Carpentry and Joinery;
- Plasterwork and other Finishes;
- Wall and Floor Tile and Sheet Finishes;
- Painting and Decorating;
- Cleaning and Clearance;
- Glazing;
- Plumbing;
- Heating, Gas Appliances and Installations;
- Electrical;
- Disabled Adaptations and Minor Works; and
- Specialist Treatments
- Energy Efficiency Appliances and Components

Officers had taken the opportunity to include a number of work streams, which had previously been placed as individual contracts, within the Term Contract, and included non-HRA sites across the Council, such as the Office accommodation sites. The benefit of this was that the volume of similar work should realise economies of scale and would simplify other Services' ability to place building maintenance work through that tendered route.

There were no savings as such to be made from this proof of concept model, however the Council would expect to see increased value for money as well as improvements in the quality of the work carried out and hoped to see this reflected in the tenant satisfaction surveys. It was also felt that the ability to control costs would be greater than

the previous arrangement with ROALCO and it would therefore provide greater financial flexibility within the HRA.

(C) COUNCIL HOUSING TENANT SATISFACTION AND INVOLVEMENT

The Committee looked at the measurement processes in relation to tenant satisfaction levels and tenant participation arrangements.

The Committee was informed that in 2018, this Council had carried out the eighth comprehensive survey to find out how satisfied tenants were with the services that the Council provided, as a landlord. This survey had been carried out in accordance with Housemark's framework and was carried out in the summer of 2018 over a six-week period.

40% of those canvassed responded, which ensured the statistical reliability of the responses. Although this was less than the response rate achieved in previous years, this was a common phenomenon when research of a similar nature was undertaken on a regular basis.

A summary of some of the key responses received in 2018 was reported as set out below:

Question	Response %
Overall satisfaction with service provided as a landlord	90
Satisfaction with quality of home	87
Satisfaction with repairs and maintenance	82
Satisfaction with neighbourhood	85
Satisfaction with rent as value for money	89
Satisfaction service charges as value for money	78
Satisfaction that kept informed as a tenant	81
Satisfaction with helpfulness of staff	83

Tenants had also been asked how likely they were to recommend the Council, as a landlord, to family and friends using scale of 0 (very unlikely) to 10 (very likely). This was known as the Net Promoter Score and was widely used in retail and other commercial environments but had recently been recommended for use in the housing sector. 84% of respondents scored the Council, as a landlord, 7 or more, which was a high proportion when compared to similar surveys.

Respondents had been also asked 'Of the following services, which three do you consider to be the most important and the top three were:

- Repairs and maintenance 71%
- Quality of home 53%
- Keeping tenants informed 35%

It was reported that this survey had been due to be repeated in the summer of 2020, based upon Housemark's newly revised framework, and questions from the recommended question library had been agreed with tenant representatives for inclusion. However, due to Covid – 19, this survey would now be carried out in the summer of 2021.

Monitoring tenant satisfaction: Transactional surveys

It was reported to Members that, in addition to the comprehensive satisfaction survey outlined above, which measured tenants' perception of the services received whether or not they had had a recent interaction with the Council, Officers had also carried out a number of transactional surveys–i.e. after an interaction had taken place between the Council, as a landlord, and the tenant.

The transactional surveys that the Authority currently carried out covered the following aspects of service:

- Responsive repairs
- Planned maintenance and improvement works
- Disabled adaptations
- New tenancies
- Nuisance and anti-social behaviour complaints
- Gas servicing
- Right to Buy
- Ending a tenancy

Data from those surveys for 2019/20 was reported as follows:-

Survey	Outturn
Responsive repairs	94%
Planned maintenance and improvements	96%
Disabled adaptations*	93%

New tenancy*	100%
Nuisance and anti social behaviour	80%
Ending your tenancy*	100%
Gas servicing	100%
Right to Buy*	100%

Tenant involvement

The Council's former dedicated Tenant Relations team, established to deal with all aspects of tenant consultation and involvement, was now part of the broader Customer and Support team under the Head of Customer and Commercial Services.

The Council's current tenant involvement arrangements were set out in the Resident Involvement Strategy agreed with tenants and the Housing Portfolio Holder in 2016. That strategy set out:

- Tendring District Council's approach to tenant involvement, including the reasons why it involved tenants
- the ways in which the Council would involve tenants and ensure that they were part of the service improvement process
- Tendring District Council's objectives in relation to tenant involvement
- the actions required to meet those objectives
- how the Council's performance would be monitored and reviewed
- how the Council would ensure that it met all statutory and regulatory requirements

The objectives of that strategy were to:

- Promote and raise awareness of tenant involvement as a means of encouraging more residents to get involved
- Ensure that the Council communicated effectively with tenants, providing good quality, timely and jargon free information
- Ensure that the Council was fully inclusive by providing a range of ways for tenants to get involved at a level and pace that suited them
- Make effective use of tenant feedback and involvement to improve service delivery
- Improve quality of life through effective tenant involvement
- Measure the impact of tenant involvement to make sure that it delivered effective outcomes for tenants and communicate this effectively

- Provide sufficient resources and, support and training to make resident involvement effective

The methods of tenant involvement used, as and when appropriate were reported in the graphic below:



Members were informed that Tenant representatives monitored the accompanying action plan. Preparatory work had been carried out in connection with the production of a revised Strategy but that had been delayed due to Covid 19. That would be progressed once meetings with tenant representatives could be reinstated.

(D) NEW BUILD OF 10 COUNCIL HOUSES IN JAYWICK SANDS

The Committee looked at the project and the delivery of those 10 houses in Jaywick Sands and whether there were lessons for further development there and for the emerging Acquisitions and Development Strategy of the Council. The Performance Report for 2019/20 as presented to Cabinet at its meeting held on 29 May 2020 had included that project at Page 10 of that report. Page 21 of that report had also referenced Council House Building and the emerging Acquisitions and Development Strategy. The aforementioned Pages 10 and 21 had been circulated with the Agenda for the meeting.

It was reported to the Committee that whilst the 10 houses being built in Jaywick were slightly behind schedule due to COVID 19, the larger project of developing a new Council house building programme and increasing the stock of new affordable/Council homes was on target. Due to the success of the 10 builds in Jaywick and the unexpected increased value, two investors were in talks about a further 100 properties to be developed on a lease back programme to the Council.

Members were informed that once an investor came back with actual figures, it would be brought before Cabinet for a formal decision.

After deliberation on all the housing themed items referenced in (A)-(D) above it was **RESOLVED:-**

- (a) That Cabinet be recommended to develop a public engagement plan in respect of financial assistance for private sector housing that includes providing information to community groups, health professionals and more widely to ensure that all those who would benefit from adaptations that could be funded through the financial assistance available through the Disabled Facilities Grant arrangements are aware of those arrangements and the process to apply for those Grants.
- (b) That the Chief Executive be advised that this Committee considers that it would be advantageous to report on the public engagement plan at the time that it is prepared and ready to be delivered so that Councillors can support the delivery of that plan across the District
- (c) That consideration be given to including details of grants available for those in private rented accommodation and in receipt of benefits (at the time of notification of benefit award/change/discontinuance) to support the installation of adaptations to the properties they rent to improve their lives (both related to disability facilities, safety and to address energy poverty).
- (d) That the position on the securing of additional occupational therapy assessment from Essex County Council be the subject of a short briefing note to the September meeting of the Committee.

- (e) That the intended reports to the Tenant Performance and Scrutiny Panel on voids for the Panel to scrutinise this area be also provided to Members of this Committee.
- (f) That the maintenance contract currently out for tender not be extended beyond the first year or re-tendered until this Committee has had the opportunity to review the delivery of that contract and the appropriate balance between in-house and contracted maintenance.
- (g) That, as the Tenant Satisfaction report indicates some figures were subject to low sample sizes, the actual numbers provided for the percentages in the report be circulated to the Members of this Committee.

The meeting was declared closed at 9.50 pm

Chairman

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Public Document Pack

Planning Policy and Local Plan Committee

15 July 2020

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON WEDNESDAY, 15TH JULY, 2020 AT 10.00 AM
THE MEETING WAS HELD IN ACCORDANCE WITH THE PROVISIONS OF SI
2020/392.**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman, Chittock, G V Guglielmi, I J Henderson, Newton, Scott and Winfield
Also Present:	Councillor Cawthron
In Attendance:	Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Gary Guiver (Temporary Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Keith Durran (Democratic Services Officer), Will Fuller (Planning Officer), Karen Hades (IT Training Officer), Matt Cattermole (Communications Assistant), Paul Woods (Development Technician) and Hattie Dawson-Dragisic (Appentice (Democratic Services & Elections))

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors S A Honeywood (with Councillor Chittock substituting) and Broderick (with Councillor Colin Winfield substituting).

12. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 8 June 2020 be approved as a correct record.

13. DECLARATIONS OF INTEREST

Councillor C Guglielmi declared an interest in relation to Agenda Item 7 – Report A.1-Section 1 Local Plan: Planning Inspector's Post-Hearing Letter and in relation to Agenda Item 8 – Report A.2 - Colchester Tendring Borders Garden Community - Development Plan Document insofar as he was an alternate Director for the NEGC Ltd.

14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

15. PUBLIC SPEAKING

Mr Keith Boddington had submitted a question in relation to item agenda A.1 in which he asked the Chairman of the Committee:-

“How can Tendring District Council enter into any future agreement over a proposed new garden city with Colchester Borough Council who are prepared to let NEGC Limited

be liquidated at vast expense thus reducing any clawback of the one eighth of £8 million contribution made by Tendring taxpayers so far?"

The Chairman of the Committee (Councillor Turner) replied as follows:-

"Many thanks to Mr. Boddington for his question and I apologise that my answer will be very short.

The remit of this particular Committee is only to oversee the preparation of the Local Plan and other related planning documents. However, I can inform Mr. Boddington that the future of NEGC Ltd. will be the subject of consideration by the Council's Cabinet on 24th July and a report containing more details will be published this week.

I can also say that the future of NEGC Ltd. is something being considered jointly by the North Essex Authorities as well as by Essex County Council and the recommendations to Members of all four Councils will be consistent.

Irrespective of what happens with NEGC Ltd., the Planning Inspector has given the green light to the Tendring Colchester Borders Garden Community, which is part of the NEGC – a development that will bring mutual benefits and mutual opportunities for Colchester and Tendring and it will be in both Councils interest to work together constructively to prepare the planning framework for the scheme, get the link road and rapid transit system in place and deliver a new community that embraces the garden city principles."

Mr Bill Marshall made statements in relation to report items A.1, A.2 and A.4 of the agenda as follows:-

- (1) In relation to the report of Corporate Director (Place & Economy) - A.1 - Section 1 Local Plan: Planning Inspector's Post-Hearing Letter, Mr Marshall called into question the soundness of the Colchester and Tendring Garden Community proposal and suggested that the Council should "cut its losses", scrap the Local Plan and start again with an alternate housing solution.
- (2) In relation to the report of Corporate Director (Place & Economy) – A.2 - Colchester Tendring Borders Garden Community - Development Plan Document, Mr Marshall stated that the previous public consultation undertaken in 2019 had been inadequate and suggested that for the next consultation be made available to all residents within the Tendring District and especially, that those residents principally affected by the Garden Community proposal be informed directly in order that they could make representations.
- (3) In relation to the report of Corporate Director (Place & Economy) – A.4 - Amendments to Policy PPL10: Renewable Energy generation and Energy Efficiency Measures, Mr Marshall stated that he believed that the proposed amendments to the Policy PPL10 would place an intolerable burden on property developers and builders and will make the future supply of affordable housing unviable due to the cost that would be incurred delivering to those standards.

16. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.1 - SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S POST-HEARING LETTER

Councillor G V Guglielmi had earlier in the meeting declared an interest in relation to this item, insofar as he was an alternate Director for the NEGC Ltd.

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Place and Economy) (A.1) which reported:-

- a) the findings of the Local Plan Inspector as to the legal compliance and 'soundness' of the Section 1 Local Plan for North Essex following the further examination hearings of January 2020 and the receipt of his latest letter dated 15 May 2020;
- b) the next steps of the plan-making process required to make the plan 'sound' including consultation on the Local Plan Inspector's recommended 'modifications'; and
- c) highlighted any implications of the Inspector's findings for the content and next steps for progressing both Section 2 of the Local Plan which contained planning policies and proposals specific to Tendring and the 'Development Plan Document' (DPD) which would set out the more detailed parameters for the Tendring Colchester Borders Garden Community.

Key Points

Members were informed of the key points of the report as follows:

- following further examination hearings held in January 2020, the Planning Inspector had issued a further 'post-hearing letter' to the North Essex Authorities (NEAs) on the shared Section of the Braintree, Colchester and Tendring Local Plans.
- the Inspector had concluded that two of the three proposed Garden Communities (i.e. the Colchester Braintree Borders Garden Community and the West of Braintree Garden Community) were not viable or deliverable and that therefore Section 1 of the Local Plan, in its current form, was not 'sound'.
- the Inspector had, however, agreed that the Tendring Colchester Borders Garden Community was viable and deliverable and that the housing and revised employment targets in the Local Plan were also sound, including the requirement of 550 homes a year in Tendring.
- in the event that a Local Plan was found not to be sound, the Inspector must, if asked to do so by the local planning authority, recommend modifications to the Local Plan that would make it sound. This Council had requested that through its previous decisions.
- the Inspector had therefore given the NEAs two options on which to proceed:
 - 1) undertake a consultation on the main modifications in order to remove the Colchester Braintree Borders and West of Braintree Garden Communities from the Local Plan and other necessary 'modifications'; or
 - 2) withdraw the Plan and start again.
- to continue with the Draft Local Plan the first option of consulting on the main modifications suggested must be undertaken, otherwise the alternative position was that the Plan was withdrawn from examination and this Council would be required to start again. All three of the NEAs (Tendring, Braintree and Colchester) would need to come to the same conclusion.

Findings

Members were aware that, on 15 May 2020, the NEAs had received a letter from the Inspector setting out his findings. The Inspector had concluded that, in its current form, Section 1 of the Local Plan did not meet the Government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound.

The Inspector had determined that the Councils had been too optimistic in their assumptions about: 1) the rate of housebuilding that could be achieved on an annual basis at each of the Garden Communities; and 2) the costs of delivering a Rapid Transit System (RTS) that linked all three Garden Communities to existing towns. Those factors combined the Inspector concluded, led to both the proposed Colchester Braintree Borders Garden Community (at Marks Tey) and the West of Braintree Garden Community (near Rayne) being not likely economically viable or deliverable.

However, the Tendring Colchester Borders Garden Community (TCB) (between Elmstead Market and Colchester) was smaller; its delivery was less dependent on achieving very high rates of housebuilding on an annual basis; and Essex County Council had secured £99 million of Housing Infrastructure (HIF) funding to deliver the necessary A120/A133 link road and RTS that would link the Garden Community to Colchester. The Inspector had therefore concluded that the TCB was viable, deliverable and sound and could realistically deliver around 2,000 (of a total 7,000-9,000) homes between then and 2033.

Notwithstanding his rejection of two of the three Garden Communities, the Inspector had advised that the three Councils had properly followed the relevant legal and procedural requirements and that the housing and revised employment targets set out in the plan (including Tendring's requirement of 550 homes a year) were sound. He had also endorsed the Councils' approach to mitigating the impacts of development on internationally important wildlife sites through the 'Recreational disturbance Avoidance Mitigation Strategy' (RAMS).

Options for how to proceed

It was reported that though the Inspector had found the Plan to be unsound in its current form, he had advised that the Plan had the potential to be 'made sound' and that it could still progress to adoption if the three Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and consulted the public and other interested parties on that 'main modification', along with other main modifications to the Plan recommended by the Inspector.

The alternative to the above would be to withdraw the Local Plan from the examination – which would effectively require all three Councils to start their Plans again from scratch.

Colchester Borough Council and Braintree District Council had received the same conclusion within reports to their respective bodies.

Proposed Modifications

The Committee was informed that Officers had also received draft details of the 'main modifications' to the Section 1 Local Plan that the Inspector was likely to recommend – the majority of which took on board the suggested amendments that the Committee had considered and agreed for consultation in 2019. The most notable of the additional modifications being indicated by the Inspector were those that removed the West of Braintree and Colchester Braintree Borders Garden Communities from the policies and associated maps and diagrams in the Section 1 Local Plan and any other references to those developments in the text of the Plan.

Other main modifications included a new policy on 'Recreation disturbance Avoidance and Mitigation Strategy' (RAMS) and amendments to Policy SP4 'Providing for Employment' updated the employment land requirements for each of the three Councils to reflect the latest evidence, which included the requirement for Tendring for between 12 and 20 hectares of new employment land in the planned period to 2033.

The full schedule of draft main modifications was attached as Appendix 2 to the Officer report. If the three Local Authorities agreed to proceed with the current Local Plan process, Officers would make a formal request to the Inspector to issue his finalised schedule of main modifications.

Implications for the Section 2 Local Plan and Garden Community DPD

The Committee was informed that, importantly, for Tendring, the Inspector had concluded that the Tendring Colchester Borders Garden Community was sound and could reasonably be expected to deliver around 2,000 homes up to 2033 (of which around 1,000 (i.e. half) would contribute towards meeting Tendring's housing requirements). He had also re-confirmed the soundness of Tendring's objectively assessed housing requirement of 550 dwellings per annum. If all three Councils agreed to undertake public consultation on the necessary modifications to the Section 1 Local Plan (rather than withdrawing it from the examination), there should be no need to find any additional sites for housing for inclusion in Tendring's Section 2 Plan.

The Inspector had also raised no issues with Tendring's employment land requirement being within the range of 12 and 20 hectares up to 2033 with a potential additional 25ha hectares of employment land to be provided as part of the Tendring Colchester Borders Garden Community.

Confirmation of the soundness of the Tendring Colchester Borders Garden Community would also allow Tendring District Council and Colchester Borough Council to progress with the work required for the preparation of a 'Development Plan Document' (DPD) setting out more detailed parameters for the Garden Community.

The implications of the Inspector's findings on the future role of 'North Essex Garden Communities' (NEGC) as a delivery vehicle for Garden Communities (given that only one of the three developments can now proceed) would be the subject of a separate report to Cabinet in due course.

Next steps

It was reported to Members that, subject to agreement by the Local Authorities, Officers would respond to the Planning Inspector to confirm that the NEAs would proceed with the removal, from Section 1 of the Plan, of the Colchester Braintree Borders and West

of Braintree Garden Communities and that they wished to proceed with the examination of the Local Plan by undertaking public consultation on his main modification, along with other main modifications recommended by the Inspector. The Inspector would be requested to formally issue his finalised schedule of main modifications and advise the NEAs on the programme and timescales for the remainder of the examination.

The next stage would then be for the Councils to publish the main modifications for a six week public consultation. The Council's Consultants LUC were preparing an update to both the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) in order to assess the socio-economic and environmental impacts of Section 1 of the Local Plan with the Inspector's recommended main modifications and those documents would be published for consultation alongside the modifications. Any comments received would be submitted to the Inspector for his consideration before he came to a final decision on whether Section 1 of the Plan, with those modifications, was sound and could be formally adopted. It was proposed that, subject to the Inspector's agreement and completion of the SA and HRA work, the public consultation would take place in August and September 2020.

In the meantime, TDC Officers would continue work to prepare for the examination of Section 2 of the Local Plan and the preparation of the Tendring Colchester Borders Garden Community DPD. Once the three Local Authorities had come to a decision on how to progress with the Section 1 Local Plan, the Planning Inspectorate would advise the Councils on the likely timetables for the Section 2 examinations.

Having duly considered and discussed the contents of the report and its appendices:-

It was moved by Councillor G V Guglielmi, seconded by Councillor I J Henderson and:-

RESOLVED that the Planning Policy and Local Plan Committee -

- a) notes the findings of the Planning Inspector's letter dated 15 May 2020 (attached as Appendix 1 to the Officer report) and his recommended modifications (attached as Appendix 2 thereto);
- b) following the agreement of the Leader of the Council, agrees to proceed with the Inspector's suggested main modification to remove both the Colchester Braintree Garden Community and the West of Braintree Garden Community from the Section 1 Local Plan for the purposes of soundness;
- c) subject to the views of the other North Essex Authorities (Colchester Borough Council and Braintree District Council), authorises the Temporary Assistant Director (Strategic Planning and Place) to notify the Planning Inspector of the intention to continue with the present Local Plan process; formally request his finalised schedule of recommended main modifications for soundness and that he establish the timescales for the consultation exercise and subsequent stages in the process;
- d) notes that public consultation will be undertaken on all 'main modifications' recommended by the Planning Inspector to make the Local Plan sound (as set out in draft in Appendix 2); and
- e) notes that an update to the Sustainability Appraisal (SA) and the Habitat Regulations Assessment (HRA) for the Modified Section 1 Local Plan will need to be produced and published for the public consultation alongside the Inspector's

main modifications and that consultants LUC are already instructed to undertake this work.

17. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.2 - COLCHESTER TENDRING BORDERS GARDEN COMMUNITY - DEVELOPMENT PLAN DOCUMENT

Councillor G V Guglielmi had earlier declared an interest in relation to this item insofar as he was an alternate director for the NEGC Ltd.

The Committee had before it a report (and appendix) of the Corporate Director (Place and Economy) (A.2) which sought to update it on the work intended to be carried out for the preparation of a 'Development Plan Document' (DPD) for the Tendring Colchester Borders Garden Community which would guide its future growth and development.

Key Points

Members were informed of the key points of the report as follows:-

- of the three Garden Communities that had been originally proposed in the shared Section 1 of the Local Plan for North Essex, only the Tendring Colchester Borders Garden Community had been found, by the Planning Inspector, to be deliverable and sound.
- assuming all three of the North Essex Authorities (NEAs) (Tendring, Braintree and Colchester Councils) agreed to proceed with consultation on the Inspector's recommended modifications to the Section 1 Local Plan, it was intended that a 'Development Plan Document' (DPD) would be prepared jointly by Tendring District Council and Colchester Borough Council which would contain the more detailed parameters and policies in order to guide the development of the Tendring Colchester Borders Garden Community. (TCBGC).

On that basis, Tendring and Colchester wished to proceed with the next stages of plan-making for the Garden Community which would involve the preparation of a DPD to guide development. The DPD provided the next level of detail required to progress the overall high-level Garden Community principles mandated by Section 1. Adoption of the DPD would entail joint working between the two Councils, in consultation with stakeholders at all stages of plan development. It was expected that the DPD would be a joint planning document adopted by both Councils.

It was reported to the Committee that an initial consultation on Issues and Options had been held on the TCBGC from November 2017 to January 2018. The study work and responses from that consultation formed a starting point for the next phase of work, bearing in mind the changes during the intervening period. In addition to Section 1 of the Local Plan developments, key amongst the changes was the Councils' successful bid for £99million, in Housing Infrastructure Funding (HIF) for an A120/A133 link road and a Rapid Transit Scheme (RTS) to support the proposed Garden Community. Work undertaken to inform the HIF projects had been carried out with the requirements of the Garden Community and its DPD in mind, so studies and masterplans completed for those essential infrastructure projects would feed into the DPD process.

The Committee was aware that the two Councils would work together to commission the further evidence and master-planning work required to support the DPD. As with

master-planning work carried out for the Issues and Options stage, such work would include focused consultation with stakeholders and existing communities in the vicinity of the TCB GC.

The precise timetable for the DPD was not then fixed but the Local Development Scheme would be brought back to the Committee for scrutiny, with adoption currently programmed for 2022.

Having duly considered and discussed the contents of the report and its appendices:-

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

RESOLVED that the proposals for the preparation of a Development Plan Document for the Tendring Colchester Borders Garden Community be noted.

18. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.3 - PROPOSED AMENDMENT TO THE STATEMENT OF COMMUNITY INVOLVEMENT

The Committee had before it a report (and appendix) of the Corporate Director (Place and Economy) (A.3) which sought to seek its approval of the proposed amendments to the Statement of Community Involvement (SCI) In light of the Coronavirus (COVID19) pandemic.

Key Points:

Members were informed of the key points of the report as follows:

- the Statement of Community Involvement (SCI) detailed the way in which the public would be consulted on all planning matters;
- due to the Coronavirus and current Government guidance the Council could not carry out consultations in the same way;
- it was therefore recommended that Members agree a covering note that would be incorporated into the existing SCI in order to explain the current situation.

Having duly considered and discussed the contents of the report and its appendix:-

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

RESOLVED that the Planning Policy and Local Plan Committee –

- a) agrees the recommended revisions to the Council's Statement of Community Involvement (SCI) (as shown in Appendix 1 to the Officer report) to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications; and
- b) authorises Officers to publish the updated SCI on the Council's website.

19. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.4 - AMENDMENTS TO POLICY PPL10: RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

The Committee had before it a report of the Corporate Director (Place and Economy) (A.2) which sought its endorsement for suggested amendments to Policy PPL10 on 'Renewable Energy Generation' in Section 2 of the Council's emerging Local Plan. That followed a meeting involving Members of the Council's Climate Change Working Group and of this Committee held on 25th June 2020, when a form of wording had been agreed for this Committee's consideration.

The Committee recalled that, at its last meeting held on 8 June 2020, it had been asked to consider a number of suggested amendments to certain planning policies in Section 2 of the Council's emerging Local Plan relating to housing design standards, efficiency and accessibility. Most of the suggested amendments had been agreed by the Committee and would be put forward to the Planning Inspector, as appropriate, for their consideration as part of the Local Plan examination process. It had been, however, decided on that occasion that consideration of any amendments to Policy PPL10 on 'Renewable Energy Generation' would be deferred in order to allow discussion with the Council's Climate Change Working Group to ensure that they properly embraced the ambitions of the Council in tackling the climate emergency.

On 25th June 2020, Members from the Climate Change Working Group and from this Committee had met, remotely via Skype and had discussed potential further amendments to Policy PPL10. The wording that had been agreed was as follows:

“Policy PPL10 - RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated. All proposals for new development of any type should consider the potential for a range of renewable energy solutions, appropriate to the building(s), site and its location, and should include renewable energy installations, and be designed to facilitate the retro-fitting of renewable energy installations. For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how the following measures have been considered and incorporated

:

- Triple Glazing;*
- Solar Roof Panels or Solar Tiles*
- Air Source Heating Systems*
- Ground Source Heating Systems*
- Super Insulation (walls and loft void)*
- Rainwater Capture Systems*
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate communal facility)*
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel*
- Mechanical Heat Recovery Ventilation*
- Solar Thermal Systems*
- Solar and Battery Storage Systems; and (where appropriate)*

- *Other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.*

Planning permission will only be granted where the applicant can demonstrate that the above measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.”

Members were informed that the advantage of the proposed policy wording was that rather than setting out a prescriptive list of requirements, it placed the onus on the applicant for planning permission to submit material in order to demonstrate how they had considered the available range of technologies and measures that could be put in place to maximise energy efficiency and the use of renewable energy and how they had incorporated them into their design, layout and construction. Where certain measures were considered to be inappropriate, impractical or unviable, the applicant's response to this policy gave them the opportunity to explain their reasoning. Planning Officers and Members of the Planning Committee could then determine whether proposals had met the requirements of the policy and had achieved an appropriate response to climate change.

Officers supported the proposed wording and saw it as a reasonable, justified and workable response to the climate change emergency.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector had the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the Plan. Whilst it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process.

Having duly considered and discussed the contents of the report:-

It was moved by Councillor Allen, seconded by Councillor Bush and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee –

- a) approves the revised wording for Policy PPL10 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in the Officer report;
- b) authorises the Temporary Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy and Local Plan Committee,

to put forward the suggested wording (in the form of amendments to the current draft policy), to the Planning Inspector for their consideration as part of the examination of Section 2 of the Local Plan;

- c) authorises the Temporary Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy Local Plan Committee, the Chairman of the Council's Climate Change Working Group and the Assistant Director (Housing and Environment), to draft associated amendments to the 'supporting text' or 'preamble' to Policy PPL10 which will also be put forward for the Inspector's consideration as part of the examination process.

The meeting was declared closed at 11.27 am

Chairman

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON THURSDAY, 16TH JULY, 2020 AT 10.00 AM
THE MEETING WAS HELD IN ACCORDANCE WITH THE PROVISIONS OF SI
2020/392. LINK TO THE LIVE STREAM IS FOUND HERE:
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors Dan Land (Chairman), Graham Steady (Vice-Chairman), Sue Honeywood and Ann Wiggins
Also Present:	Councillor Peter Cawthron
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Debbie Bunce (Legal and Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Sue Gallone, Clarissa Gosling, David Irvine and Jane Watts (the Council's four appointed Independent Persons)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Jo Henderson (with no substitute) and Nicola Overton (with no substitute).

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Steady, seconded by Councillor Wiggins and:-

RESOLVED that the Minutes of the last meeting of the Committee held on 5 February 2020 be approved as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such questions on this occasion.

5. REPORT OF THE MONITORING OFFICER - A.1 - LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT CONSULTATION

There was submitted a report (A.1) by the Monitoring Officer which sought the Committee's agreement to this Council's formal response to the Local Government Association's (LGA) Model Member Code of Conduct consultation.

The Committee was informed that the LGA had launched its consultation on a draft Model Member Code that could be a template for councils to adopt in whole and/or in part with local amendments. The LGA Consultation document incorporating the draft Model Code of Conduct was attached as Appendix A to the Monitoring Officer's report for Members' consideration.

The Committee was aware that all Councils were required to have a local Member Code of Conduct and that Tendring District Council's Members' Code had been last reviewed and adopted by Full Council in 2018. The Code of Conduct was attached as Appendix B to the Monitoring Officer's report for Members' reference.

It was reported that the LGA draft Model Member Code of Conduct had been developed in consultation with the local government sector and that the LGA had committed to undertake an annual review of the Model Code in order to ensure it continued to be fit for purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.

Members were made aware that the draft Model Code covered its purpose and application, referred to the seven Principles of Public life, expressly stated what model member conduct as a councillor was expected and set out the minimum requirements through some specific obligations of general conduct. Under each of the specific obligations the LGA had a created additional guidance.

Members were also made aware that, in responding to the consultation, the LGA was asking a number of questions via an online form, however they had produced an information document setting out those questions for responders to consider in advance. That information document was attached as Appendix C to the report.

The Committee was advised that any individual whether an elected Member, Independent Person or Officer could respond to the consultation in their own right. The purpose of the report before it was to establish whether an agreed formal response could be submitted on behalf of Tendring District Council. Therefore Members of the Standards Committee were requested to give consideration to the questions set out in the aforementioned Appendix C.

The Committee was further advised that responding to the consultation would not commit this Council to adopting the Model Member Code of Conduct, in full or in part. The Monitoring Officer suggested that the Standards Committee would wish to consider each aspect, in detail, against a review of its existing Members' Code of Conduct, which could be undertaken later in the year as part of its work programme once the final version of the LGA Model Code was launched.

The Monitoring Officer sought the Committee's views, in particular, in respect of the following questions and matters:-

<u>Question/Matter</u>	<u>Views expressed by the Committee (including the Independent Persons)</u>
The length, quality, clarity etc. of the LGS Model Member Code of Conduct	Consensus was that the Model Code was of good quality and, in particular, positive comments were expressed about its clarity.
Should the requested Councillor commitment to "Civility" towards others be amended to be a commitment to "Respect" towards others?	The majority view expressed was that the reference to "Civility" was acceptable.

Question 3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?	The consensus was that the Committee would prefer “I will” or “Councillors will” rather than “Councillors should” as this implies definite, positive action will be taken rather than a perception of an indefinite may or may not take this action approach.
Question 8: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?	The consensus of the Committee was that they would like to a widening within the Model Code of this concept. At the moment it is too narrowly focused on behaviour that is considered dishonest and/or deceitful.
Question 15: The draft code proposes £25 as the threshold for registering gifts and hospitality, is this an appropriate threshold?	The Committee Members and IPs were split in their views between supporting the LGA’s suggested £25 threshold or maintaining the £50 threshold included within TDC’s current Code of Conduct.
<p>Question 16: The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1 – 5, with 1 being the most useful.</p> <ul style="list-style-type: none"> - Regularly updated examples of case law - Explanatory guidance on the code - Case studies and examples of good practice - Supplementary guidance that focuses on specific areas, e.g. social media - Improvement support materials, such as training and e-learning packages 	The consensus of the Committee was that they were all very useful and of equal importance, with the exception of case law which should be given a slightly lower score.

It was moved by Councillor Steady, seconded by Councillor Wiggins and:-

RESOLVED that the Monitoring Officer be authorised, on behalf of Tendring District Council, to submit the agreed response to the Local Government Association’s Model Member Code of Conduct consultation, following a further consultation with the Members of the Committee and the Independent Persons on the contents of that proposed response.

6. WORK PROGRAMME FOR 2020/2021

The Committee gave consideration to its work programme for the 2020/2021 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Land, seconded by Councillor Wiggins and –

RESOLVED that the annual Work Programme for 2020/2021, as set out below, be approved –

14 October 2020 (provisional date)

- Update on LGA Model Code of Conduct and commence review of Tendring District Council's Code of Conduct
- Review of Planning Probity Code and Protocol
- Quarterly Complaints update by Monitoring Officer

3 February 2021 (provisional date)

- Review of the Complaints Procedure
- Case review and guidance update for the Committee on decisions and actions taken nationally; and
- Quarterly Complaints update by Monitoring Officer

21 April 2021 (provisional date)

- Update on Mandatory training;
- Annual Report on declarations of interest (meetings, gifts and hospitality);
- Work Programme 2021/2022; and
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against a dispensation decision or a code of conduct hearing.

7. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

Quarterly Update on Complaints

The Monitoring Officer circulated to the Committee the following quarterly schedule of complaints, which gave an update on cases, without providing any names, and went through it with the Committee.

The Monitoring Officer gave details as follows:-

Existing Cases since last update:				
Council	Complainant	Current Status	Final Outcome	Comments
Parish	Member of the Public	Closed	No further action	<p>Independent Person consulted.</p> <p>No further action to be taken by the District Council, as it was a private contractual matter but it was recommended to the relevant parties that they consider their actions with a view to improving relationships within the Parish.</p>
District (x2)	Member of the Public	Closed	No further action	<p>Ward Councillors had chosen not to respond to the individual, but their actions were not discriminatory as suggested.</p> <p>Relevant Group Leaders were consulted.</p> <p>Councillors had been advised to consider their actions and the Council's reputation if</p>

				<p>they continued to take this approach.</p> <p>Complainant had then requested a review, no appeal process in place but under General Complaints Procedure, the Complainant was notified that nothing further would be done but was given a further reassurance that the Councillors concerned had been advised of the perception of their failure to engage with the resident.</p>
New Cases since last update:				
Council	Complainant	Current Status	Final Outcome	Comments
Parish	County Councillor	Closed	No further action	Deemed to be Politically motivated and the Parish Councillor had subsequently acknowledged that they had learnt from the minor error.

General Notes:

The Monitoring Officer informed the Committee that she had delivered a second Code of Conduct training session to a number of Town and Parish Councillors on 18th February 2020, which had also been attended by a number of District Councillors. The session had been well received with positive feedback provided.

The Monitoring Officer reported that a complaint had been made to the Local Government and Social Care Ombudsman (LG&SCO) concerning a previous matter that had been decided last year. The LG&SCO had decided to take no further action and not to investigate. The LG&SCO had deemed that the Council's Complaints Procedure had been followed, the correct assessment criteria had been applied and their involvement would not produce a different outcome.

Dispensations:

The Monitoring Officer reported that there had been no requests for dispensations received from Members since the last update.

The Committee noted the foregoing.

The meeting was declared closed at 11.02 am

Chairman

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON THURSDAY, 13TH AUGUST, 2020 AT 7.30 PM
THE MEETING WAS HELD IN ACCORDANCE WITH SI 2020/392. LINK TO THE LIVE
STREAM IS FOUND HERE: [HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Alexander, Allen, Barry, Bray, Codling, Griffiths and Morrison
Also Present:	Councillor Carlo Guglielmi (Deputy Leader of Council; Portfolio Holder for Corporate Finance & Governance; Deputy Leader of Conservatives Group)
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Tom Gardiner (Head of Regeneration), Keith Durran (Democratic Services Officer), Karen Harges (IT Training Officer), Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections)) and Emma Haward (Leadership Support Assistant)

69. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An Apology for absence was submitted on behalf of Councillor Harris (with Councillor Alexander substituting).

70. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Thursday 9 July 2020 be approved as a correct record and were be signed by the Chairman.

71. DECLARATIONS OF INTEREST

There were none on this occasion.

72. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

Pursuant to the provisions of Council Procedure Rule 38, Councillor Griffiths asked the Chairman of the Committee:-

“With reference to the Resources and Services Overview and Scrutiny Committee, on Thursday 13 August, and with reference to Garden Communities Project page 53.

Would it be possible to outline the cost pressures and costings relating to this project?

In relation to

- a) past expenditure and costings*
- b) current expenditure. and costings*

- c) *financial risks and cost pressures relating to recent decisions by Colchester Borough Council, in relation to Garden Communities, and the financial impact and costings of those decision on Tendring District Council”.*

The Chairman responded to Councillor Griffiths’ question as follows:-

“To date, the cost of the project has been met from contributions from the Government and each of the 4 partnering authorities.

In terms of the contributions that this Council has made to the project, these total £950k to date.

The latest position covering the points raised, including the recent decision of Colchester Borough Council was set out in an associated report to Cabinet on 24 July 2020.

As set out in the recommendations of that report, Cabinet noted Colchester Borough Council’s disappointing decision not to approve their partnership contribution to the NEGC project and requested the Leader of Tendring District Council to formally write to Colchester to express its concerns with regard to future working arrangements and seeking clarity around remedying their equal share of project responsibilities.

The letter from the Leader has been sent to Colchester Borough Council with a response still awaited.

An upcoming meeting of the NEGC Joint Scrutiny Panel is scheduled to consider these issues further along with exploring the various options to take the project forward”.

73. REPORT OF THE ASSISTANT DIRECTOR (FINANCE AND IT) & SECTION 151 OFFICER - A.1 - FINANCIAL OUTFURN 2019/20 AND ALLOCATION OF GENERAL FUND VARIANCE FOR THE YEAR

A report was provided to the Committee of an overview of the Council’s financial outturn for the year 2019/20 and the allocation of the associated General Fund Variance for that year. The reports considered by the Corporate Finance and Governance Portfolio Holder on 17 July 2020 in respect of the Financial Outturn 2019/20 position and by Cabinet on 24 July 2020 (Minute 40 refers) in respect of the Outturn 2019/20 and propose allocation of the General Fund variance for the year were submitted to the Committee to assist it with its scrutiny of those matters.

The Committee was advised that on 17 July 2020 the Corporate Finance and Resources Portfolio Holder had considered the Financial Outturn 2019/20 and made the following decision:-

“That the Corporate Finance and Governance Portfolio Holder:-

- (a) notes the financial outturn position for 2019/20 as set out in this report and appendices;
- (b) approves the financing of General Fund capital expenditure for 2019/20 as detailed in Appendix D;
- (c) approves the movement in uncommitted and earmarked General Fund reserves for 2019/20 set out in Appendix E;
- (d) approves the qualifying carry forwards totalling £17.914m (£9.518m Revenue and £8.396m Capital) as set out in Appendix K;
- (e) agrees that all other carry forwards totalling £0.658m requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its July 2020 meeting;
- (f) that subject to the above, approves that the overall General Fund Outturn Variance for the year of £0.862m be transferred to the Revenue Commitments reserve until Cabinet formally considers the allocation of this funding at its July 2020 meeting;
- (g) in respect of the HRA, approves the movement on HRA balances for 2019/20 including any commitments set out within Appendices H and/or I along with recharges to the HRA from the General fund of £2.808m for the year and the financing of the HRA capital expenditure set out in Appendix I; and
- (h) delegation be given to the Council's S151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2019/20 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2019/20 accounts."

On 24 July 2020, Cabinet considered the Outturn 2019/20 and the Proposed Allocation of the General Fund Variance for the Year and made the following decision:-

"That Cabinet:

- (a) agrees that the total of £0.658m requested by Services can be retained by them via the associated carry forward requests, as set out in Appendix A to item A.6 of the Report of the Corporate Finance and Governance Portfolio Holder; and
- (b) approves the allocation of the General Fund Variance for the year of £0.862m as set out in Table 1 of the Portfolio Holder's report and repeated below:-

Proposed Allocation	Amount	Portfolio Holder's Comments
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<p><i>'Back to Business' Initiatives and associated activities</i></p>	<p>£0.862m</p>	<p><i>"It is proposed to allocate the full uncommitted General Fund variance to this major initiative and associated regeneration and economic activities.</i></p> <p><i>As elsewhere in the country, the Tendring District has been hit hard by the COVID19 crisis. Therefore it is important that this Council establishes a clear focus and determination in supporting the district and the economy to not only recover as quickly as possible but to also strengthen and embed a level of resilience that will undoubtedly be required going forward. This approach will provide a solid foundation along with complimenting all of the Council's overall prioritised and strategic objectives.</i></p> <p><i>As already discussed by Members, there should be no constraints to the range of projects and initiatives that are put forward for consideration to support the whole district or perhaps more locally at ward level.</i></p> <p><i>In agreeing the carry forwards of £0.658m set out earlier on in this report, along with other existing projects and actions, there will be an overlap with direct back to business activities going forward to make this initiative a success.</i></p> <p><i>In terms of this success, it is also acknowledged that local businesses must have a strong influence in terms of how the Council can help and support them through what has been and will continue to be a very challenging time for them and our residents.</i></p> <p><i>The 'Back to Business' initiative will continue to be developed over the coming weeks and further</i></p>
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That Cabinet be **RECOMMENDED TO:**

- (a) Implement the invitation from the Portfolio Holder for Corporate Finance and Governance to convene a meeting with the Chairman of this Committee, and other interested Councillors, to examine in detail the financial reserves and provisions to look at progressing further and speedier with those schemes or releasing the funds with a view to the outcome of that meeting being reported to the meeting of this Committee to be held on 21 September 2020;
- (b) Note this Committee endorses the decision to allocate £862k from the 2019/20 General Fund Outturn variance to 'Back to Business' Initiatives and associated activities; and
- (c) Consider establishing a corporate dedicated project completion resource, with project management skills, with a direction to progress projects and

priorities of corporate significance to the Council, support delivery milestones for those projects and unlock capacity and other issues that could frustrate delivery of those projects and priorities.

It was also **RESOLVED** to consider the measures to assist with the delivery of corporate projects and priorities following the meeting referenced in recommendation (a) above.

**74. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.2 - TENDRING
BACK TO BUSINESS PRIORITIES AND PROJECTS 2020/21**

The Committee had before it a report of the Assistant Director of Governance regarding the development of 'Priorities and Projects' that was incorporated as part of the Council's Back to Business and Recovery Plan, and Performance Management framework for the Council for 2020/21 in advance of any decisions by Cabinet/Council on those matters. The report included an Appendix prepared by the Assistant Director of Finance which drew together the numerous proposals and concepts arising from a survey of businesses locally, from individual Councillors and from Officers to help the District to build back better following the economic and social impact locally of the lockdown associated with the Covid-19 pandemic.

The Chairman of the Committee expressed his appreciation for the work of the Deputy Leader in launching the initiative to gather ideas to address locally the challenges arising from the lockdown.

The Committee was invited to identify its collective view on the themes and activities that should be key strands of work to focus on helping the district recover and included restarting the local economy, keeping residents and visitors safe and harnessing the power of the voluntary sector to deliver much needed services and improve the quality of life locally.

It was **RECOMMENDED** that Cabinet considers the following as it formulates its back to business strategy and the content of that strategy:

- In considering business development and encouragement, there should be an element that recognises the enduring and ongoing need for a range of service trades (such as plumbing, engineering, building and carpentry) – support for those business should not be overlooked and there should be engagement with other agencies to support training opportunities locally in the skills and competencies to work in those service trades.
- Similar to the above, there was an opportunity to look at opportunities to support skills development and business location associated with the off shore wind farm industry and green initiatives to lower energy usage and costs associated with that energy use (around heating, insulation and cooling) and providing services to other businesses to harness the same energy reduction measures.
- The District had tremendous potential for tourism. But this needed to harness the separate and distinct elements across the District. Branding around the opportunities and attractions of the Tendring Peninsula were critical to this to avoid visitors just visiting one town or village and not benefitting from the richness

that the wider District has to offer. Part of this would be about developing and maintaining up to date directories of places to go and enjoy, to look early at promoting events to be held in 2021, to harness and reflect national and international interest such as in the years of the Olympic Games to promote related activities locally, but also to look at events and activities to try to appeal to potential visits throughout each month of the year. Increasing access to information about points and walks of interest, including facilitating elements of sampling digitally those walks, would increase interest in the Tendring peninsula going forward. This would also positively contribute to encouraging local people to take more walks and thereby improving the health of the population.

- There was a need to address the needs of our communities and provide, perhaps limited at first, but opportunities for the public that are in Clacton-on-Sea to safely come into the Town Hall so that they can be sign-posted to services that they require. In addition, the Council should review its spending power to ensure that it was as sustainable in energy terms, it supported training opportunities for local people (including apprentices) and that local businesses had every opportunities to secure work from the Council and therefore recirculate public money locally where this represented good value for money.
- The Council was in a powerful position, subject to the review of its own spending referenced earlier, to deliver a consistent message around the benefits to the community of buying locally to boost the local economy, to encourage local businesses to succeed and through success to employ more locally and develop that virtuous circle of spending.
- To provide tangible support for business a dedicated Covid-19 resource would be beneficial to help businesses access the latest advice speedily and to assist those businesses to identify practical measures to deliver services safely. The capacity of local businesses and the opportunity for new start-up businesses could be assisted by providing pop-up style facilities and market stall facilities. And engagement with businesses and providing them with an opportunity to build local supply chains and attract new entrants/apprentices was vital and could be facilitated through existing and new business to business clubs and a jobs fair.
- There was an urgent imperative to support super-fast broadband provision locally and end the blight for communities, individuals and businesses that prevented them from making the most of the digital environment. As part of the dedicated Covid-19 resource referenced above, there should be an element that encourages and enthuses businesses locally to embrace fully the opportunities of expanding their customer base globally through using digital commerce tools effectively.
- There was an opportunity to support a shift to assist individuals to make healthier life choices, to look at expanding the outdoor gym class provision, to implement early the learning from the pilot project around transitioning inactive people to some form of activity and encouraging the slightly and moderately active to increase their activity levels. To look at embracing the opportunities for the District to be a cycling attraction and thereby encourage local individuals to enjoy this leisure activity; perhaps through the London style free bike pick up and drop off scheme along stretches of the coast, by providing outdoor community gym style sites at intervals along the coast and elsewhere and sign posting people to multi-

use games areas (MUGAs). These measures would also help to expand the attraction of the area to a wider range of visitors and tourists. Measure to encourage healthier eating habits and opportunities to 'grow your own'.

[Note: The Committee agreed that its proposed response to the Cabinet on this matter would be circulated to the Committee Members for confirmation. In the event that there was a need, the Committee would reconvene to formally endorse that response.]

75. AGENDA ITEMS FOR SEPTEMBER MEETING OF THE COMMITTEE

The Committee was advised that this meeting, and the Committee's meetings in June and July, were extraordinary meetings and had concentrated scrutiny and overview work on particular themes. The remaining meetings of the Committee in 2020/21 were to be ordinary meetings for which a new work programme would be required.

The Committee noted that, further to Minute 73 above, it was envisaged that its meeting on 21 September 2020 would consider further the issue of projects and priorities (and delivery of those) and the related financial reserves and provisions. The Committee had also determined at its meeting on 17 February 2020 (Minute 54 refers) that there should be a further report from the Portfolio Holder for the Environment on the ambition/vision for the waste and recycling service in the District (including improving recycling levels further over the remainder of the current contract with Veolia).

The work programme for the period October 2020 to April 2021 would also be considered at the 21 September 2020 meeting.

The meeting was declared closed at 9.25 pm

Chairman

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SECTION 1 - COVID – 19 Business Support and Recovery Survey Analysis

The recent survey undertaken was designed to collect the views of the local business community on TDC's current business support offer, and the impact that the COVID-19 crisis continues to have as lockdown begins to ease for many – 92 responses were received with a summary of the headline figures set out below.

Headline Figures

- Most respondents (15%) were from the Retail sector, followed by Hospitality (10%).
- 56% had been based in Tendring for over 10 years, and 75% had between 0 and 5 employees.
- 60% described their business as 'surviving' during COVID-19, but 37% described that they are in 'crisis'.
- 41% have made use of the Staff Retention (furlough) Scheme, with the next most accessed support being the Small Business Grant (40%) and Bounce Back Loan (30%). However, the question is phrased 'Have you secured or applied for any Government support.....' and so having applied for these schemes cannot be taken as guaranteed all respondents have actually benefitted from or been eligible. 18% of respondents have not accessed any of the listed schemes.
- The most frequent ways that respondents are preparing for reopening is changing the layout of their premises to enable social distancing and providing appropriate PPE, both with 65%. This may relate to the high number of retail and hospitality businesses which responded.
- 88% of respondents have never accessed a business support service, but in follow up questions regarding what types of business support they feel they would benefit from, 42% of respondents stated they would choose workshops/webinars on business basics including writing a business plan, social media and financial planning.
- 52% of respondents state that they need further information about available support, with 41% also stating that lack of time prohibits them accessing business support opportunities.
- Beyond the current crisis, accessing finance was the biggest obstacle to business growth (34%) as well as lack of suitable premises (23%).
- 60% of respondents are already subscribed to TDC's business ebulletins.

Responses in Free Text Sections of the Survey

Opportunities for free text throughout the survey, as might be expected, resulted in a range of responses, many focussing on the current crisis and the eligibility criteria for different support schemes, whilst others focussed on the atmosphere and environment of the District's town centres.

Word Clouds, below, show some of the most highlighted concerns (the larger the word, the more often it was mentioned):

Question 12: What specific business support / other services would you find useful if they were available to you? (wordcloud formed from responses to 'other')

access_{find} business_{costs} grant_{rates} support_{pay}
help_{etc} funding_{running} work

Question 13: What obstacles, if any, do you face in accessing business support? (wordcloud formed from responses to 'other')

works_{bills} business_{payment} support

Question 14: Thinking beyond the current pandemic, what are the key factors that are affecting the growth of your business? (wordcloud formed from responses to 'other')

allowed_{business} LACK_{school} restrictions_{None} town
PEOPLE AREA_{time} need_{support} back_{students} MANY will

SECTION 2 – Back to Business Initiative

Following the All Member briefing back in July and the follow up email from the Portfolio Holder for Corporate Finance and Governance, Members have submitted a range of ideas for consideration as part of the Back to Business Initiative. A similar exercise was also undertaken with Senior Managers within the Council.

The initiative is also about helping the district recover, which is wider than just its economic recovery, with responses therefore including various items and themes within this context.

A summary of the responses is set out below. Clearly some of these will overlap with action plans already in place or are being developed as part of wider strategies and initiatives.

To provide a framework against which the ideas and responses can be considered, they have been grouped in 3 'blocks' – short, medium and long term actions in the table below:

	Responses	Additional Comments
SHORT TERM	Introduce 'Pop Up' Shops in Town Centres	This could include the direct provision of temporary 'shops' or via working with partners e.g. where there are empty units in Town Centres.
	Upgrade Clacton skate park	This would support local young people both physically and mentally and could also be used to promote a key message such as a 'Thank You NHS Park'
	'Shop Local' and 'Trade Local' Campaign	<p><i>Ideas include:</i></p> <ul style="list-style-type: none"> • Hold regular events such as a 'Shop Local Week' or 'Small Business Saturday' • Offer free town centre parking • Making our high streets more attractive which could include working with ECC and promoting a regional message. <p>The Council could also review its own procurement processes to ensure as much money as possible is spent locally rather than outside the district. If there are reasons to spend money outside of the district then companies could be requested to utilise supply chains and labour within the district as much as possible when delivering services / contracts.</p> <p>The above could also be complimented by accelerating the delivery of existing schemes and projects.</p> <p>The use of art in advertising could also be explored, working with local schools for example. This could include posters/street art such as advertising on car parking spaces</p>

	Establish open air or covered markets along with supporting appropriate street trading activities	<p>These could be in Town Centres or along the coast or other key areas.</p> <p>This could be extended to food vans who could use Council owned sites such as car parks.</p> <p><i>This could also include:</i></p> <ul style="list-style-type: none"> • Better use of outdoor / pavement spaces • Better utilisation of Christmas Tree Island in Clacton for market or small entertainment functions • Be organised around seasonal activities. • Local artists and craft makers
	Establish a Tendring Business Club	<p>Providing members with discounts and support information.</p> <p>Also a dedicated space could be provided on the Council's website for small businesses to advertise etc.</p>
	Establish a dedicated COVID 19 Support Service / Team and maximise use of existing resources	<p>To provide essential advice and support to local people and businesses to access help that may be available from the Government or other organisations</p> <p>A request could also be made to the Police to increase the presence of uniformed officers along with using our own ASBO.</p> <p>This could extend to an emergency taskforce to support people facing redundancy. This could include targeted support for young people and school leavers whose plans and opportunities have been affected by Covid-19.</p>
	Supporting Events and Festivals	<p>This could include the Council directly organising events or working with local partners to 'grow' existing events or develop new ones.</p>
	Reopen the Town Hall Reception	<p>In our role as a community leader, to consider the reopening of the Town Hall reception as a place where local people can seek general help and support rather than for any wider operational requirements at this stage.</p>
	Offer unused office space to other organisations	<p>Encourage key service providers who do not currently have a presence in the District to come to Tendring.</p>
	Engage with Town and Parish Councils	<p>To support recovery action with input at a local level.</p>

	Understand high risk businesses	To work with partners such as ECC to understand key metrics such as those business with the greatest risk of having to make redundancies / business failure in the short to medium term. This could be monitored on an on-going basis. TDC could play a key influencing role to signpost people who are unfortunate to be made redundant to learn new skills in economic growth areas.
	Explore opportunities to use Tendring Community Fund Budget of £450k	This was set up to support community groups and organisations that in turn support residents and local communities across the district. This could therefore be reviewed in light of the back to business initiative such as prioritising Community Halls etc.
	Support local schools with IT equipment	The last few months has seen a demand for IT kit for disadvantaged children to enable them to take part in remote lessons etc. Although schools are expected to reopen in the Autumn, supporting schools by providing IT kit could contribute to the Council's key influencing role in education.
	Revisit Long Term Financial Forecast	Opportunities could be explored to deliver flexibilities that a long term plan could bring such as the potential to defer savings targets until later years and extending the economic cycle.
	Review of waived rent under CAROS	Rent due under the existing CAROS scheme was waived for the first 3 months of 2020/2021. Opportunities to extend this could be considered.
	Contributions to support Mental Health within the district	Work with existing partners to identify how the Council can continue to support mental wellbeing in the district. which could include increased contributions to the Mental Health Hub or supporting work within schools etc.
	Revisit SME Growth Fund	Explore opportunities to revise this existing local grant scheme to support local businesses in areas such as safeguarding / creating local jobs.
	Redirect / refocus community safety and enforcement activities	Explore opportunities to use existing funds to directly support the back to business initiative.
Medium Term	Develop a rural place / attraction encompassing a permanent sales space	To support suitable businesses and individuals either producing, manufacturing or selling creative products or to demonstrate particular products which are service related. Such an attraction could also act as a 'draw' to people outside of the district.

	Maximise opportunities from the Coast	<p><i>This could include:</i></p> <ul style="list-style-type: none"> • Working with partners to make fishing a major contributor to the local economy. • Working with wind energy suppliers to make assets into an 'attraction' such as light shows on wind turbines etc. • Establishing pleasure boat trips
	Organising business networking events	<p>Bringing together business people to explore opportunities of working together etc.</p> <p>This could include events where banks are encouraged to come and speak directly with businesses.</p>
	Establish a Tending Business Directory	The key benefits could be two fold – to build a database to understand the local economy better which could drive more focused support along with it acting as a directory advertising the goods and services of local businesses which could also use social media channels.
	Introduce a reusable nappies campaign	Look to work with key manufacturers and partners to encourage the use of reusable nappies which could be made available from local shops.
	Create an In-house Energy Efficiency Team	<p>To explore external funding opportunities and take forward the Council's ambitions including the promotion of this initiative within the wider business sector.</p> <p>To work in collaboration with other Council's.</p>
	Apprenticeship Scheme	Explore opportunities to increase apprenticeships within the district.
Long Term	Establish a skills, jobs and enterprise board	To be made up of key people / organisations within the district to start to establish stronger links between these major strands of the local economy.
	Promotion of the district as a sporting / cycling destination	Activities could include the promotion of cycling holidays and organised triathlons.
	Explore opportunities for an outdoor swimming pool and boating area	Sites by Clacton Pier were highlighted.
	To explore opportunities to encourage tourism	This could include reviewing opportunities for a hotel or theme park and take advantage of the outdoor activities available within the district.

	Back to Business Lottery	Explore opportunities to launch a local lottery with money being reinvested directly in associated back to business activities.
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COUNCILLOR PAM MORRISON’S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – “LEVEL 2 AMBULANCE RESPONSE TIMES IN THE HARWICH PENINSULA”

“That this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period.”

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COUNCIL

15 SEPTEMBER 2020

REFERENCE FROM CABINET

A.2 HOUSING STRATEGY 2020-2025: “DELIVERING HOMES TO MEET THE NEEDS OF LOCAL PEOPLE”

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable the Council to review and approve the Housing Strategy 2020-2025: “Delivering Homes to meet the needs of Local People”.

BACKGROUND / CURRENT POSITION

On 26 June 2020 Cabinet considered a Report and an Appendix from the Council's Portfolio Holder for Housing on this matter which are attached as to this reference report as **Appendices A and B**.

At that meeting on 26 June 2020 (Minute 23 refers) the Cabinet was aware that local authorities were not required by Government to have a formal housing strategy, but that they were expected to adopt a strategic approach to housing in their local areas in order to deliver a thriving housing market and address local needs. To that end a draft Housing Strategy had been agreed by Cabinet at its meeting held in July 2019 in order to enable consultation to be undertaken seeking the views of the public and the Council's partners.

The Council's Policy Framework, as set out in Article 4 of the Constitution provides that the plan and strategy which comprises the Housing Investment Programme (Housing Revenue Account Business Plan and Housing Strategy) must be approved or adopted by the full Council.

Members recalled that the strategy identified four key strategic housing priorities as follows:

- Delivering homes to meet the needs of local people
- Reducing and preventing homelessness and rough sleeping
- Making the best use of and improving existing housing
- Supporting people in their homes and communities.

It was reported that it was the first of those strategic housing priorities that had given the Strategy its title as by the end of the life of the strategy, it was expected that there would be new council housing being delivered in the District for the first time in a generation.

Having considered the contents of the proposed Strategy and in order to enable the Strategy to be submitted to full Council for its formal adoption, the Cabinet **resolved** that –

- (a) Cabinet recommends to Full Council that the new Housing Strategy 2020-2025 and its accompanying Delivery Plan be formally adopted; and*

(b) the Housing Portfolio Holder be authorised to monitor performance against the Delivery Plan with periodic updates being presented to Cabinet following the Strategy's adoption by Full Council.

RECOMMENDATION

That Full Council approves and formally adopts the Housing Strategy 2020-2025: "Delivering Homes to meet the needs of Local People", as set out in Appendix B to this reference report.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX A – REPORT OF THE HOUSING PORTFOLIO HOLDER TO CABINET MEETING HELD ON 26 JUNE 2020

APPENDIX B – HOUSING STRATEGY 2020/25

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

26th JUNE 2020

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

A.3 HOUSING STRATEGY 2020-2025 – DELIVERING HOMES TO MEET THE NEEDS OF LOCAL PEOPLE

(Report prepared by Peter Russell)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To recommend to Full Council a new Housing Strategy 2020-2025 for adoption.

EXECUTIVE SUMMARY

Local authorities are not required by Government to have a formal housing strategy, but they are expected to adopt a strategic approach to housing in their local areas to deliver a thriving housing market and address local needs. Draft Housing Strategy was presented to and agreed by Cabinet at its meeting in July 2019, to enable consultation to be undertaken seeking the views of the public and partners.

The strategy identifies four key strategic housing priorities as follows:

- Delivering homes to meet the needs of local people
- Reducing and preventing homelessness and rough sleeping
- Making the best use of and improving existing housing
- Supporting people in their homes and communities.

It is the first of these strategic housing priorities that gives the strategy its title as by the end of the strategy, it is hoped that there will be new council housing being delivered in the district for the first time in a generation.

RECOMMENDATION(S)

That Cabinet:

- 1. Recommends to Full Council a new Housing Strategy 2020-2025 and the accompanying Delivery Plan for adoption and;**
- 2. delegates authority to the Housing Portfolio Holder to monitor performance against the Delivery Plan with periodic updates being presented to Cabinet following the Strategy's adoption.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decisions will contribute to the following priorities in the Corporate Plan 2020-2024:

Community Leadership Through Partnerships

The strategy's priorities stress the need for a partnership approach to deliver new homes, jobs and infrastructure as well as tackling homelessness, making the best use of the existing stock in all sectors and supporting residents in their communities.

Building Sustainable Communities for the Future

The strategy will play a key role in enabling and delivering new housing in all sectors in the district.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The Housing Revenue Account was predicted to have reserves of £4.36m by the end of March 2020 and this will leave the housing service in a positive financial situation. The rent cap has been lifted for 2020/21 and so, in theory, the Council's housing finances should improve. The Council is confident that it can increase expenditure on acquisitions and development using the increased revenue income and prudential borrowing. The Housing Investment Programme for 2020/2021 is approximately £3m which contributes to improvements to council stock, disabled adaptations in council homes, and environmental and estate improvements.

Homelessness expenditure has increased following the implementation of the Homelessness Reduction Act 2017 but this has been off-set by government grants. By the end of this financial year the Council would have received just over £1m in Flexible Homelessness Support Grant as well as £272,655 of new burdens funding since 2017/18. The Homelessness Support Grant allocation for 2020/21 is £666,189.

The Council has received an allocation of just over £2m for disabled facilities grants for 2020/21.

The Housing Strategy sets out a number of actions and priorities that ensures the Council continues to be in a strong financial position whilst facilitating the acquisition and development of new homes.

Risk

The council is still awaiting the results of Government's consultations on its Housing Green Paper "A New Deal for Social Housing" and Right to Buy reform. Furthermore, at the time of adopting this strategy, the country is in the midst of the Covid-19 pandemic which will increase costs to the Council in areas such as homelessness and impact on the delivery of housing and rent collection.

A key risk is that the priorities and actions in the strategy are not delivered. A robust delivery plan and review mechanism will be put in place, It is important that aspirations are realistic and partners engaged as necessary.

LEGAL

Whilst there is no statutory requirement for the Council to produce a housing strategy, it is influenced by various pieces of legislation which are set out in the document.

It is important for the Council to provide detail on the local housing market and the demand for housing, setting out how it plans to deliver new housing in the district and the Council's role as a landlord. The Council's Policy Framework, as set out in Article 4 of the Constitution provides that the plan and strategy which comprises the Housing Investment

Programme (Housing Revenue Account Business Plan and Housing Strategy) must be approved or adopted by the full Council.

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.

Crime and Disorder

The housing strategy emphasises the need to tackle homelessness and rough sleeping and although rough sleeping numbers remain low, the perception is that rough sleeping and street activity can make areas feel unsafe.

Equality & Diversity

The housing strategy emphasises the need to deliver good quality accessible accommodation to meet the needs of our elderly and less able residents and the delivery of accessible accommodation will be a priority for the Council's future acquisitions and development programme. The council also commits to work other partners and commissioners to deliver specialist accommodation for older and less able residents and to create better and more tailored information for the most vulnerable homeless clients and their advocates. An Equality Impact Assessment accompanies the Housing Strategy.

Health Inequalities

All of the four strategic priorities will address health inequalities in the district. The delivery of homes, reducing homelessness and rough sleeping, improving stock in all sectors and supporting people in their homes and communities will improve health outcomes for local residents.

Area or Ward affected

All wards covered

Consultation & Public Engagement

A draft Housing Strategy was opened for public consultation in December 2019 and a summary of the key consultation responses is written in the strategy document. Prior to going out to consultation, the four strategic priorities were discussed with the Leader & Deputy Leader of the Council and the Housing Portfolio Holder. Presentations were also made to the Senior Managers Forum and Tenants Panel as well as the East of England Housing Learning & Information Network which campaigns for accessible accommodation for the elderly and less able.

Prior to the consultation being undertaken on the draft Housing Strategy, a presentation

was given to the Council's Community Leadership Overview and Scrutiny Committee, who noted the contents of the report. No further recommendations were made to Cabinet on its content or suggested approach.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

This strategy has been developed to guide the future delivery of new homes in the district, especially affordable housing for local people. It will also guide the future management and direction of our housing service.

The strategy sets out the national and local strategic setting for housing and the demographics that have informed the development of the strategy. It sets out the social indicators that present the greatest challenges to the Council such as deprivation and health inequalities in some parts of the district and homelessness.

The strategy gives detail on the local housing market and the demand for housing. It sets out how the Council plans to deliver new housing in the district and the Council's role as a landlord. Detail is given on the Council's housing finances with relation to the Housing Revenue Account and General Fund.

The Council's last housing strategy expired in 2009 and the delay in producing this strategy has been influenced by the uncertainty over the housing numbers required for the district and a lack of capacity in housing services following restructures since 2010. The housing numbers are now more or less agreed in the emerging Local Plan and most recent Strategic Housing Market Assessment, however at the time of adopting this strategy, the council is still awaiting the confirmed decision of the Planning Inspectorate's examination of the emerging Local Plan.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Draft Housing Strategy 2020-2025 – Delivering homes to meet the needs of local people.

Appendix B – Housing Strategy 2020-25 Delivery Plan

Housing Strategy

2020-2025

Tendring District Council

**DELIVERING HOMES TO MEET
THE NEEDS OF LOCAL PEOPLE**



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Foreword (Portfolio Holder for Housing)

The Tendring district is a great place to live with a fantastic coastline and beautiful countryside but it does face many social challenges. This Housing Strategy 2020-2025 has been produced at a time when we face change, not only nationally but locally too. The Council, in its community leadership role, is determined to work with our statutory and non-statutory partners to deliver local homes for local people, tackle homelessness, make the best use of existing housing and support people in their homes and communities.

The effects of climate change are something that the Council has taken very seriously, and declared a Climate Emergency with a target for net zero emissions from our own operations by 2030. The declaration also includes an ambition to influence the district as a whole towards a net zero emissions target. These are ambitious targets that I support wholeheartedly and believe we can influence both through our strategic housing role and as a housing stock holder.

At the heart of this strategy is a commitment to deliver new Council housing in the district for the first time in a generation. The Council has an excellent reputation as a landlord and we want to be an excellent enabler and provider of new, quality, energy efficient homes in our towns and villages. We remain committed to work with other partners to deliver new homes across the district from larger developments to smaller, community based schemes in our villages.

Homelessness is increasing and we are desperately short of accommodation in all sectors so we will work with other public and private providers to provide a range of housing models in the district to meet our residents' needs. Our new Homelessness Reduction and Rough Sleeping Strategy 2020-24 sets out our plans to deliver more accommodation, improve partnership working and stresses the need for earlier intervention to prevent homelessness and rough sleeping. The Covid-19 pandemic has presented new challenges to the Council and we are determined that housing will play a key role in the district's subsequent recovery.

Our private rented sector requires improvement and therefore we will continue to work proactively with landlords to improve homes and tackle the worst housing conditions using our enforcement powers. We will aim to make the best use of existing stock by reviewing our incentive schemes to assist tenants to move to the right size accommodation. We will also continue to deliver an annual Housing Investment Programme to ensure our own tenants live in decent affordable homes and environments.

As our population ages, we will work with other partners and commissioners to meet the needs of our older residents and will seek to provide new, accessible homes. Our aim is to ensure that our older and disabled residents can remain in their homes as long as they want to and we will provide adaptations and support them to meet this aim.

Housing is not just about bricks and mortar and we want to take a holistic look at housing in the district. Housing can play a key role in delivering the infrastructure which our district needs. Whilst we will become more active in developing our own homes, we will nurture good partnerships to ensure the priorities set out in this strategy are delivered.

Councillor Paul Honeywood

Portfolio Holder for Housing

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Executive Summary

This housing strategy for the Tendring District has been developed at a time of major actual and proposed changes to the national housing landscape and financial constraints for the Council. Housing was one of the key issues at the General Election 2019 at a time where the sector was experiencing high prices, decreasing home ownership rates, unaffordable rents, insecurity of tenure, rising homelessness and lack of affordable housing delivery. In recent years, we have seen the introduction of neighbourhood planning and the Localism Act 2011, changes to the National Planning Policy Framework, welfare reforms, increased regulation in the private rented sector, the tragedy of Grenfell Tower, the most fundamental change in homelessness legislation in many years and the Covid-19 pandemic. Whilst local authorities are not required by Government to have a formal housing strategy, they are expected to adopt a strategic approach to housing in their local areas to deliver a thriving housing market and to address local needs.

This housing strategy has been developed to guide the future delivery of new homes within the district to meet local needs and to guide the future management and direction of our housing service. Tendring District Council retains its own housing stock and currently has 3111 homes in its ownership. The Council is the largest landlord in the district and remains fully committed to this role and will consult with and continue to support our tenants to ensure that they all have a decent, affordable home in an area that they feel proud of.

Whilst Tendring is a great place to live, work and visit, it has some distinct challenges which the Council and its partners need to address. The district rates highly on the Index of Multiple Deprivation with Jaywick Sands being the most deprived ward in England. The regeneration of Jaywick Sands is one of the challenges facing the Council and the Council has listened to the local community and is committed to working with them to address the structural, environmental and housing issues in the area. The Council is currently building 5 new homes to rent and 5 new homes for discounted sale in Jaywick Sands and has purchased approximately 28 hectares of land for potential future development. A Local Lettings and Sales Plan will be adopted to prioritise the rented homes for Jaywick Sands residents and the discounted homes for sale for Key Workers. 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.

Tendring district has one of the highest proportion of over 65's in the UK and the prediction is for this age group to continue increasing. Addressing the housing and other needs of the elderly will be paramount over the coming years. The Council is committed to making sure everyone has a decent home to live in that meets their needs regardless of the sector they live in. Good health begins at home and housing plays a pivotal role in addressing health inequalities and improving the health and well-being of the community.

Tendring is an area where housing growth has stalled in recent years and the number of homes delivered has not met targets. Although we are now seeing more homes being delivered and the signs for future delivery are encouraging, the number of affordable homes being delivered has been low. The Council is working in partnership with our neighbouring authorities on an ambitious Garden Communities settlement which will be delivered on our border with Colchester. It is hoped this will deliver between 7,500 and 9,000 homes over a 30-40 year period with the necessary infrastructure in place before the homes (including affordable homes) are delivered. The emerging Local Plan requires affordable housing to be delivered on sites of 11 properties or more. The requirement is for 30% of housing on such sites to be delivered as affordable housing. The Council also wants to build Council housing and will produce an Acquisitions and Development Policy to facilitate this objective and to meet the housing needs of our younger and older residents.

Homelessness has increased in recent years and the number of households accepted as homeless and the number placed in temporary accommodation has increased significantly. The Homelessness Reduction Act 2017 did place some additional burdens on the Council but it is the lack of suitable accommodation in the private 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.

In order to meet the challenges facing the district, the Council has identified four key housing priorities, as follows:

- 1. Delivering homes to meet the needs of local people**
- 2. Reducing and preventing homelessness and rough sleeping**
- 3. Making the best use of and improving existing housing**
- 4. Supporting people in their homes and communities**

Consultation Findings

The draft housing strategy went out to consultation in December 2019 following the general election held on 12th December. The consultation period lasted for six weeks. The draft strategy was published on the Council's website for the wider community to comment on and was also sent to each registered provider who has accommodation in the district as well as each Town and Parish Council. The draft strategy was also sent to each of the voluntary and statutory agencies and partners in the district.

In light of the consultation responses, it was necessary to make amendments to the draft version of the strategy. The most common response highlighted that the draft housing strategy made no reference to climate change. The Leader of the Council declared a climate change emergency in August 2019 after the original version of the strategy had been drafted and approved to go out to consultation. This final version of the housing strategy has included reference to the climate change emergency and the role that housing can play in tackling this issue.

Some responses also referred to the lack of affordable homes delivered in recent years and what the Council's

plans were to address this shortfall. The Council has announced it aspires to deliver at least 200 new homes over the course of this strategy which will supplement delivery by other registered providers. The number of new affordable homes delivered in 2019/20 was nearly as many as in the previous four years so progress is being made but it is clear that the number is low when compared to the increased demand. An Acquisitions and Development Policy will be adopted alongside this strategy to set out the Council's plans to deliver new homes over the course of this strategy. This policy will set out where the homes are needed and how they will be funded.

It was mentioned in some of the consultation responses that other strategies referred to in the draft housing strategy had expired or were due to expire, in particular the Empty Homes Strategy and the Resident Involvement Strategy. New plans and strategies will be delivered as set out in the Delivery Plan in Appendix 1 of this strategy.

Other responses asked what the Council could do to give priority to Key Worker housing. The Council has adopted a Local Lettings and Sales Plan for its new homes in Jaywick Sands and potentially for other new homes in that area. The plan gives priority to Key Workers for the discounted homes for sale. There is a

likelihood that the needs of Key Workers will become more focussed following their response to the Covid-19 pandemic and the Council will take steps to address any national or local initiatives accordingly.

In terms of temporary accommodation, the Council was asked what it could do to provide temporary accommodation in other parts of the district. The Council's Homelessness Reduction and Rough Sleeping Strategy 2020-2024 aspires to end the use of nightly paid accommodation by the end of 2024 and therefore procuring nightly paid accommodation in other parts of the district is not seen as a priority. The Homelessness Reduction and Rough Sleeping Strategy sets out plans the Council intends to take to reduce reliance on nightly-paid accommodation.

Finally, the Council was asked what it could do to provide more supported accommodation for those with mental health problems. The Council does not traditionally provide supported housing, except in our sheltered housing schemes, and this type of accommodation is normally provided by other providers. The Council will work with partners and support any bids for funding that other providers make to deliver this type of accommodation in the district where it is needed.

Part 1 – The strategic setting

The national strategic setting

There have been considerable changes to the national policy framework in recent years which affect both housing and planning. The changes include:

- ◆ **Localism Act 2011** – Changes introduced by the Localism Act 2011 gave local communities more influence over development in their local areas and policies. The act also gave local authorities the power to set their own eligibility criteria on their housing registers in relation to residency requirements. Significantly, the act fundamentally reformed the rules of local authority housing finance and allowed the Council to become “self-financing”.

- ◆ **Welfare Reform & Work Act 2016** – Introduced 5 year 1% per year rent reduction across the social housing sector

Housing and Planning Act 2016 – This legislation introduced an initiative for “starter homes” which are available to first-time buyers between the ages of 23 and 39 at a discount of 20%. The Government continues to support and encourage other low cost home ownership options such as Help to Buy and shared ownership. The legislation also extended the right to acquire to housing association tenants to give them the similar rights as Council tenants. New measures were introduced in the private sector such as rent repayments orders, civil penalties as an alternative to prosecution, and a proposed national rogue landlord's database. A number of measures proposed will no longer be implemented such as forcing Council's to offer fixed term tenancies, forcing the sale of higher value Council homes and the “pay to stay” proposals for tenants earning over

£31,000 per annum in the district.

- ◆ **Housing White Papers** – Fixing our broken housing market (February 2017) The right homes in the right place (September 2017) – recognised the failure to build enough homes to meet people's housing needs. They recognised the need to build more homes and diversify the housing market and that changes needed to be made to the planning system to facilitate development and build homes faster. It encouraged support for smaller builders, local authorities and registered providers to build and supported custom and self-build initiatives.
- ◆ **Homelessness Reduction Act 2017** – Fundamentally changed how local authorities respond to homelessness in their districts. The legislation made homelessness prevention and relief a statutory duty and increased the duties owed to households who do not have a priority need or are intentionally homeless. Councils are now required to develop personalised support plans with clients and to ensure advice and information is available to the most vulnerable households.
- ◆ **National Planning Policy Framework 2018** (amended in February 2019) – Defined major development as a development consisting of 10 or more properties and requires that at least 10% of affordable homes are for sale through low cost home ownership schemes.
- ◆ **Housing Green Paper** – a new deal for social housing 2018 – Proposed the need for more investment in existing stock and to increase the supply of affordable housing. Proposals are also included for improved handling of tenant complaints and management performance indicators. The green paper also proposes measures to tackle the stigma of residents living in the affordable housing sector.

- ◆ **Homes England Strategic Plan 2018-2023** – Our relationship with Homes England encompasses strategic growth, grant and loan finance and market engagement. We support registered provider bids for funding in Tendring to enable additional homes and we also have the capacity to apply for funding for our own development projects. The Homes England Strategic Plan commits to unlock public and private land to get more homes built where they are needed and to provide investment to support housebuilding and infrastructure. There is an emphasis on supporting smaller builders which could improve employment opportunities in the district.
- ◆ **Coronavirus Act 2020** – Brought in a number of measures to mitigate the impact of Covid-19 pandemic on the economy, housing, homelessness and the welfare system. Measures included suspending evictions and repossessions but it is likely the demand for housing will increase once the country recovers and housing can play a vital role in the district's and country's long-term recovery.

There have also been a number of welfare reforms in recent years that have impacted on the housing market and the lives of residents in the district. They are:

- ◆ Universal credit which was rolled out in the district in the Summer of 2018
- ◆ The benefit cap which capped the maximum amount of benefit a family or individual could receive.
- ◆ The introduction of Council Tax support

which removed 100% Council Tax benefit for eligible households

- ◆ The bedroom tax or spare room subsidy which reduces housing costs for working age adults who have more rooms than required
- ◆ Freezing of local housing allowance rates in the private sector

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 Tendring4Growth, 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.



Tendring District Council Local Plan 2013-33 and beyond (publication draft)

The emerging Local Plan contains two sections. Section 1 has been prepared jointly with Braintree District Council and Colchester Borough Council and contains strategic policies and proposals including (originally) three Garden Communities for North Essex. Following an examination in public of the Local Plans, the Inspector has concluded that only one of the three original Garden Communities can proceed. This is proposed for the northern part of the Tendring district on the border with Colchester and will deliver 7,500-9,000 homes over a 30-40 year period.

Section 2 of the emerging Local Plan sets out the policies specific to the Tendring district and the Council's strategic priorities for sustainable development and plans for economic growth. This section sets out the Council's policies to determine planning applications, protect places and meet the social needs of the local population. This section also sets out the Council's requirements for affordable housing over the duration of the plan and delivering homes to meet the needs of local people is a key priority for this strategy.

Housing Allocations Policy 2013 - (revised December 2019)

The Housing Allocations Policy 2013 determines who can apply for housing in the district and who gets priority for housing. The policy states clearly that people applying for housing generally have to live in the district for at least 3 years before applying unless legislation determines otherwise. The policy contributes to the Council's aim to ensure that local homes are allocated to households with strong residence connections to the district.

Tendring Health & Well-being Strategy 2018-20

The Tendring 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:

- ◆ Tackling health inequalities
- ◆ Collaborating with partners
- ◆ Sharing resources and platforms
- ◆ Prevention and effective intervention
- ◆ Upscaling, co-designing and co-producing initiatives
- ◆ Empowering local communities and assets

The Council recognises that good, decent affordable housing can improve health outcomes for our communities. The Council is a member of the North East Essex Health and Well-being Alliance which is a collaboration of organisations dedicated to improving the health and well-being of our local populations in Tendring and Colchester. The Alliance is committed to working together in a more joined up way in the best interests of the people that it serves. The driving force for the Alliance is to address the inequality of life expectancy between our best and most deprived wards through tackling health inequalities, promoting active travel, and empowering local communities through collaboration opportunities.

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. Endeavours 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. Improves the access to services that address mental wellbeing.
- ◆ **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.

Economic Development Strategy 2013-23

The Council's Economic Development Strategy creates the conditions to stimulate economic growth in the district and deliver

changes to Tendring's economy that will benefit our businesses, residents, workforce and visitors. The strategy recognises the link between population and economic growth and outlines how housing development can stimulate economic growth. The strategy seeks to encourage new investment, new developments, new infrastructure and new communities as it is essential that new housing meets the current and future needs of the workforce. The Economic Development Strategy was updated again in 2019 and continues to reinforce the importance of housing to the economy.

Resident Involvement Strategy 2016-19

The Council's Resident Involvement Strategy 2016-19 sets out the Council's approach to tenant involvement and the ways in which we will involve tenants in the service improvement process. It sets out our objectives in relation to tenant involvement and the actions required to meet those objectives. It ensures that the Council, as a landlord, meets all statutory regulatory requirements and how our performance will be measured.

Housing Anti-Social Behaviour Strategy 2016-21

The Housing Anti-Social Behaviour Strategy sets out the Council's commitment to tackle anti-social behaviour because of the detrimental impact it can have on our residents, communities and visitors to the district. It sets out a partnership approach to support victims and to take action against perpetrators. The Council is signed up to the Respect ASB Charter for Housing.

Empty Homes Strategy 2016-19

The Council's Empty Homes Strategy sets out the Council's vision to tackle empty homes in the district. In June 2015, there were 760 long-term vacant dwellings in the district and at the time the strategy was launched, Tendring had the highest number of long-term empty homes in Essex. The strategy and the action plan therein aims to bring more empty homes back into use to meet housing need, improve communities and bring in additional funding through New Homes Bonus.

Climate Change

In August 2019 the Council declared a Climate Emergency with a commitment to making the Council's business operations carbon neutral by 2030 whilst through community leadership, encouraging residents and organisations across the district to make similar commitments. The reduction in the emission of greenhouse gases is to become embedded in the day to day thinking of the Council from the procurement of sundry day to day consumables through to large scale projects. At the time of publication the Council has reached the end of a data gathering exercise to determine it's "carbon footprint". This work will inform the development of a ten year action plan to reach net zero emissions by 2030.

Clearly housing makes a significant contribution to the emission of greenhouse gasses associated with construction and energy use. This strategy will seek to maximise the efficiency of new homes that are constructed in the District through the provision of high levels of insulation and the installation of renewal energy systems where appropriate. Forward thinking and innovative design are encouraged in order to embrace modern, efficient and sustainable methods of construction and delivery. This approach is demonstrated through the delivery by the Council of ten new homes in Jaywick Sands. They are built using modern, off site fabrication and incorporate air source heat pumps as a renewable means of providing heat to the highly efficient structures.

Existing homes present a significant challenge and are an area that must be tackled if the District is to reduce greenhouse gas emissions. The Council's own housing stock receives insulation improvements as part of planned maintenance and refurbishment projects but we must look to move onto renewable energy retrofitting where it is possible. Much of the stock will be suitable to receive solar panels and this is something that will be explored during the period this strategy covers. Such a large scale solar programme has the potential

to significantly reduce fuel poverty that may be experienced by some tenants whilst providing a means to offset the Council's unavoidable greenhouse gas emissions.

Private sector homes vary widely in design, age and construction across the district. Proactive promotion of the Government ECO programme currently takes place and this will continue in earnest to ensure that as many homes are as well insulated and heated by the most efficient means possible. This is a win win situation reducing the district's greenhouse gas emissions at the same time as proving warmer, more affordable homes for residents.

Part 2 – District Profile

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.



Our Population

The Office of National Statistics estimated that the population of Tendring in 2017 was approximately 145,853. There are more females than males living in the district. The population is primarily White British with only 2.4 % of households coming from a BAME origin. The ONS predict that the population will rise to 158,460 in 2028 and 170,406 in 2038.

26.9% of the population is over the age of 65 compared to 18.3% for the rest of Essex and 16.4 % for the rest of England. Life expectancy is 78 for men and 82 for women which is lower than the regional and national average. Life expectancy is worse in the most deprived areas of the district. Life expectancy is 14.1 years lower for men and 9.9 years lower for women in the most deprived parts of the district compared to the least deprived parts of the district. The percentage of working age adults and young people is lower than the rest of Essex and England.

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, especially in Jaywick Sands and parts of Clacton-on-Sea. 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 approximately 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 are estimated to live in a workless household. Approximately 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 (around 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 approximately £28,000 per annum. The average household income for the district per annum is approximately £29,000. Rents in the private sector continue to increase, and the private sector is becoming increasingly 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 2012, the Council adopted a new Housing Allocations Policy which introduced a residency requirement for households seeking to join the housing register. It is generally 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 May 2020, there were 1958 households on the housing register. The table below shows the bedroom need as at 1st May 2020 and the numbers for previous years:

Bedroom need	1/5/2017	1/5/2018	1/5/2019	1/5/2020
1 bedroom	311	453	651	957
2 bedroom	140	224	368	526
3 bedroom	102	158	245	326
4 bedroom	45	64	94	117
5 bedroom	10	16	22	32
Total	608	915	1380	1958

The table above clearly demonstrates that the demand for affordable housing has been rising each year .

The demand for housing is clearly weighted towards 1 bedroom accommodation. However, of the 957 households registered for 1 bedroom accommodation, 507 (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.

509 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% (274 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 now see affordable rented housing as their only option.

Households applying for housing can express choice about where they want to live and this gives an indication of where the greatest demand for housing is in the district. **Whilst households can express multiple areas, the preferred area for households applying for housing is as follows as at 1st May 2020:**

Clacton-on-Sea	940 households	48%
Harwich/Dovercourt	293 households	15%
Rural Villages	274 households	14%
Frinton/Walton/Kirby's	235 households	12%
Manningtree/Mistley/Lawford	137 households	7%
Brightlingsea	79 households	4%

This demonstrates that the greater Clacton area (Clacton Town, Jaywick Sands, Great Clacton and Holland-on-Sea) is the area of highest demand and where the Council needs to seek a maximisation of affordable housing.

Homelessness

The Council has adopted a new Homelessness Reduction and Rough Sleeping Strategy 2020-2024. The strategy can be viewed at www.tendringdc.gov.uk/housing/strategies-and-policies

The Homelessness Reduction and Rough Sleeping Strategy 2020-2024 sets out the Council's strategic priorities and delivery plan for reducing homelessness and rough sleeping over the next four years. Detail is given on the causes and demographics of homelessness in the district.

There has been a steady increase in homelessness in Tendring in recent years as various welfare reforms have taken hold and the opportunities to access the private rented market have decreased. Landlords are fearful of universal credit and the freezing of local housing allowance rates up to March 2020 meant that the private rented sector has become increasingly unaffordable in recent years.

Under the terms of the Homelessness Reduction Act 2017, the Council is required to prevent or relieve homelessness for any household in its area that is going to be homeless within 56 days. Only once these duties have been exhausted must the Council consider if a full housing duty is owed.

It is apparent that homelessness is increasing and the likelihood is that it will continue to increase in spite of the new legislation. The Council will need to be more creative in terms of addressing homelessness and become less reliant on its own stock to meet homeless household's needs.

The number of households becoming homeless as a consequence of losing a private tenancy has increased significantly. This is indicative of landlords' fears of welfare reform but also the fact it is becoming increasingly difficult for low-income or benefit dependant households to access alternative private rented accommodation. Accommodation is becoming increasingly unaffordable as local housing allowance rates were frozen until 2020

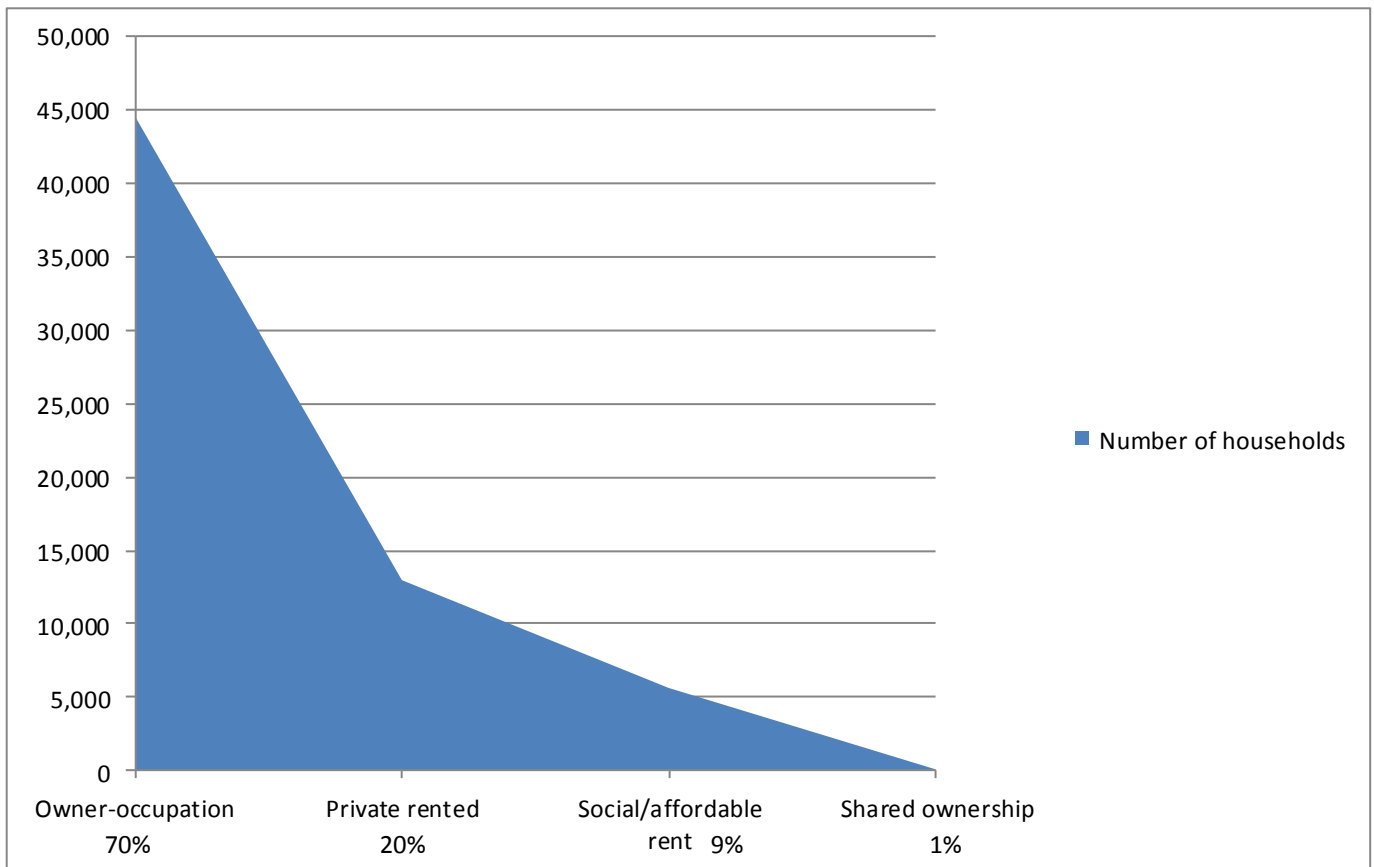
Homelessness has a particular detrimental effect on the lives of children and long-stays in temporary accommodation can severely impact a child's development, education and health and well-being. This would indicate that there is a need to maximise affordable housing opportunities for family sized accommodation.

Rough sleeping numbers remain low in the district but remain a concern nonetheless. The number of rough sleepers in the district was last estimated to be 5 individuals in November 2019. It is for this reason that the Council wants to explore new ways of working to address rough sleeping in the area.

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 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 being released from prison.

Part 3 - Our Housing

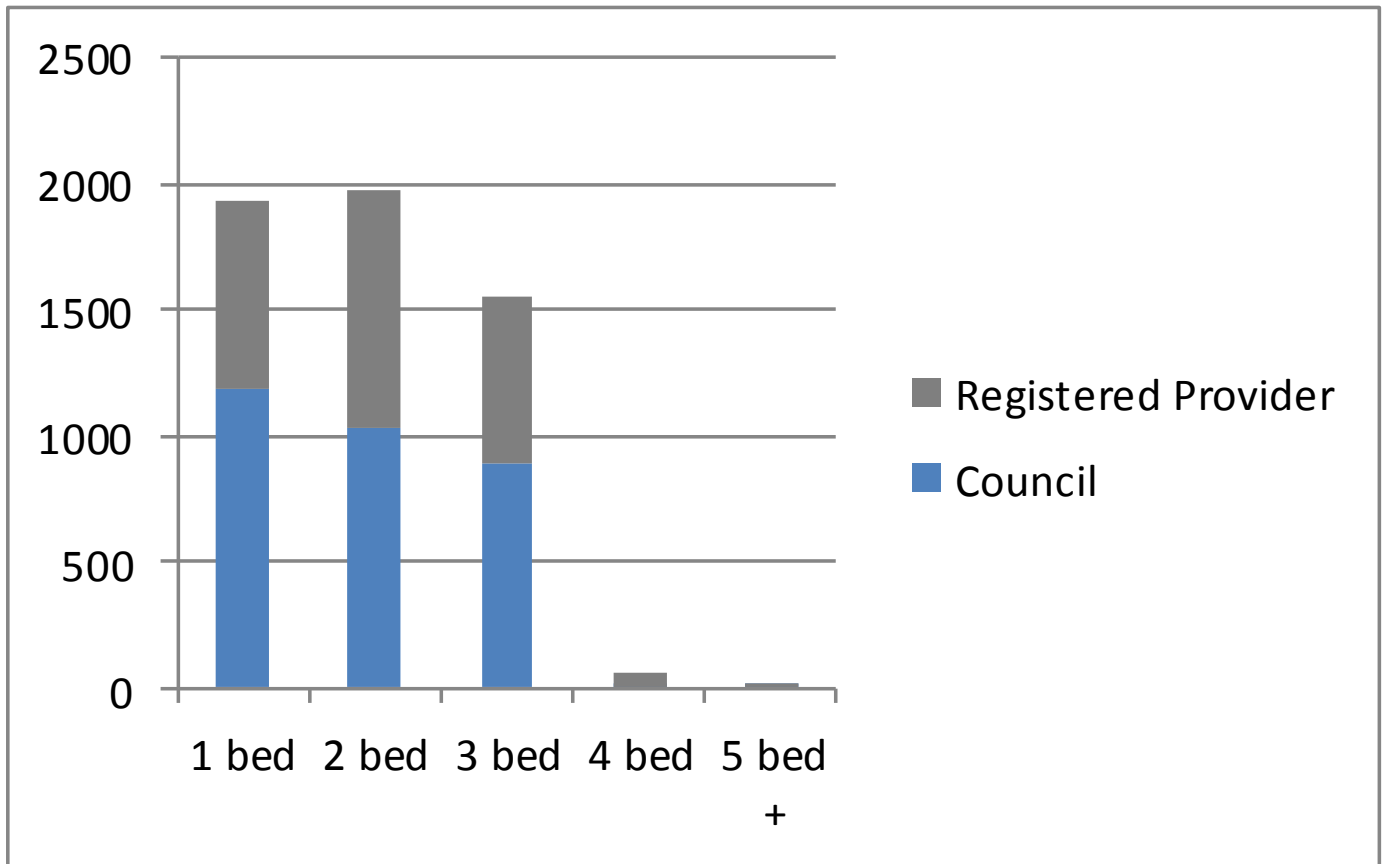
The housing market in Tendring is dominated by owner-occupied accommodation. The most recent Strategic Housing Market Assessment published in December 2015 stated that the tenure breakdown in the district was as follows:



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 and according to the Office of National Statistics in 2018, the ratio of average house price to workplace based earnings in the East of England was 9.7%. This means that owning a home locally is more difficult than ever.

The private 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. There have been affordable warmth strategies in place since 2003 to improve properties to ensure a decent, warm home is provided to live in. 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 31st March 2020, there were 5545 affordable rented homes in the district. 3111 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.



In the affordable rented sector, there are noticeable gaps in provision that need to be addressed, notably:

- ◆ The Council only owns one 3 bedroom bungalow in the district
- ◆ The Council only owns 13 properties with 4 bedrooms or more.
- ◆ The Council only owns 20 two bedroom houses in the greater Clacton area which is the area of highest demand
- ◆ The number of shared ownership homes is very low compared to other areas.



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:

The low delivery of affordable housing in recent years means it is crucial to maximise the number of affordable homes to be delivered over the duration of this strategy and beyond. 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.

Year	Number of Homes delivered
2015-16	33
2016-17	5
2017-18	38
2018-19	8
2019-20	81
Total	165

Given the low numbers of affordable housing delivered in recent years, it is essential that the Council maximises the number of

affordable homes that can be delivered through planning obligations. In recent years, the Council has agreed to accept a number of "gifted" units from developers and there are currently 162 homes in the pipeline up to 2024. Whilst gifting was a reaction to uncertainty following legislation passed in 2016, it was never a formal policy and gifting has not and will not deliver the number of homes required to meet demand. **Gifting will only be considered as an option in exceptional circumstances where a site is delivering housing of a specialist nature or to meet specific local needs.**

In order to help address the low number of affordable homes being delivered, the Council intends to produce An Acquisitions and Development Policy to deliver council housing in the district. The programme will be funded through prudential borrowing, developer contributions towards affordable housing and recycled right-to-buy-receipts. 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). An Acquisitions and Development Policy will set out where the homes need to be delivered to meet demand, the types of homes that need to be delivered and how the delivery of the homes will be funded.

The Council will also consider "buying back" homes sold under the right to buy where properties become available on the open market. In deciding whether to buy back a property, the Council will have regard to the type of property, its location and whether the purchase offers value for money and can meet demand in the district.

Right to buy has particularly affected our villages and smaller towns and out of the 33 towns and villages in the district, 15 have less than 25 affordable homes. The Council will therefore support the delivery of rural exceptions sites and community land trusts to meet the needs of local people in our villages. The Council received £700k in 2017 to facilitate the creation of community land trusts in the district and 3 have been established or are in the process of being established. This funding is still available and the council is keen to facilitate and support new community land trusts in the district.

In the last two years, two new independent living schemes have been delivered in the district in partnership between Essex County Council and Season Living. During the same period, the Council has decommissioned 2 of its lower demand sheltered housing schemes in the district. As our population will live longer, the Council will work in partnership with other bodies determine what type of housing our older residents aspire to live in and deliver accommodation to meet the needs of our older population.

Whilst the Council, as a community leader, is taking a lead in developing new homes in Jaywick Sands and intends to deliver council housing other parts of the district, the Council will work with other partners and providers to deliver the number of homes required over the course of this strategy. The Council will work in partnership with other registered providers, developers, land owners, community land, housing and charitable trusts, commissioners and specialist providers to deliver the homes the district requires. The Council will encourage self-build and custom-built housing and will decide and explore if it is feasible to set up its own housing company to deliver its own homes as an alternative delivery option.

The Council as a landlord

Tendring District Council owns 3111 homes and is proud of its record as a housing provider and enabler. The Council enjoys consistent satisfaction rates from its tenants and is proud of its reputation locally and nationally as a landlord. In our most recent tenant satisfaction survey in 2018:

- ◆ 90% of tenants were satisfied with the Council as a landlord
- ◆ 89% of tenants felt the rent they paid represented value for money
- ◆ 87% of tenants were satisfied with the quality of their home
- ◆ 85% were satisfied with their neighbourhood
- ◆ 82% were satisfied with the repairs and maintenance service

The annual rent roll for the council is approximately £14m per annum. At the end of 2019/20, rent arrears stood at 1.6% of the total rent roll for that year but it is anticipated that the percentage of rent arrears will increase as universal credit full service rolled out across the district in the Summer of 2018 and the district recovers from the Covid-19 pandemic. 550 tenants are currently in receipt of Universal Credit but this is anticipated to increase to approximately 2,000. The Council re-lets approximately 10% of its stock each year.

The Council has representation on the board of the Association of Retained Council Housing and has been assessed as "housing business ready" by the Housing & Finance Institute.

Our finances:

Following the passing of the Localism Act 2011, the Council as a housing provider became self-financing in return for taking on a debt of £35.97m in 2012 in the housing revenue account which it is required to repay over the next 30 years. Although this debt exists, the Council welcomed the flexibility the legislation gave and is confident that the debt can be repaid from its rental income. The Council has a robust 30 year business plan in place.



Significantly, a requirement to reduce rents by 1% per annum for 5 years from 2016/17, introduced by the Welfare Reform & Work Act 2016, negatively affected the Council's housing finances and had an impact on the Council's capacity to support new development and acquisitions initiatives. The Council estimated that £1m would be available per annum in 2015/16 for new build development or acquisitions but this had to be reviewed in light of government policy. The last year of the rent reduction requirement was 2019/20 and, the Council will increase rents by the CPI +1%. This will therefore increase the Council's rent roll, albeit the Council is conscious that the roll out of universal credit and the Covid-19 pandemic could lead to an increase in arrears and has accounted for bad debt to increase. It was predicted that at the end of 2019/20, there would be reserves of £4.36m in the housing revenue account and this will leave the Council in a positive financial position. The debt cap on the Council's ability to borrow for new build was removed in the Summer of 2018 giving the Council greater flexibility to prudentially borrow. As rents increase from 2020/21, the Council anticipates that it can commit more funds for development and acquisitions in future years.

As a landlord, the Council will maintain and improve its stock through its capital programme (Housing Investment Programme). The Housing Investment Programme for 2020/21 is approximately £3.m and includes not only works on individual properties but also estate and environmental improvements and disabled adaptations. The Council anticipates that the amount available for capital improvements will remain stable as more funds become available for development and acquisition initiatives.

The Council receives government funding for its homelessness service and following the introduction of the Homelessness Reduction Act 2017, the amount of funding given to the Council significantly increased. Between 2017/18 and 2019/20, the Council will have received £1.008m in Flexible Homelessness Support Grant as well as £272,655 new burdens funding specifically related to the Homelessness

Reduction Act 2017 and its implementation. The Council has received £666,819 for 2020/21. The Council has increased the staff resources in the Housing Solutions team with 5 new posts created and has provided grant funding to the local Women's Refuge (Next Chapter) as well as the local Mother and Baby project. However, an increase in emergency temporary accommodation placements has put finances under pressure.

The Council received an allocation of just over £2 million in 2020-21 to provide disabled facilities grants in the private sector. This was the highest allocation in Essex and is reflective of our ageing population and number of disabled residents in the district. The Council also makes available discretionary loans for home owners to improve their homes that are in poor condition and the budget for 2018-19 was £365,640. The Council will encourage households who are eligible to apply for grants and loans where necessary to improve the health and well-being of our communities and to support residents to remain in their homes.

Whilst the outlook is financially positive in terms of the Housing Revenue Account and the funds the Council has received from central government to deliver homelessness and adaptations services, the Council is still awaiting the results of the Government's consultation on its Housing Green Paper "A New Deal for Social Housing" and separate consultations, "Use of Right to Buy Sales" and First Homes. These consultation findings could impact on the delivery of new affordable homes in the district as risks could be posed to the Council's ability to borrow to fund new homes and there may be a reduction in the number of affordable rented homes delivered through the planning system. The Council still faces financial constraints now and will do so in the future as we recover from the Covid-19 pandemic. The Council will, where appropriate, lobby Government and other agencies to remove barriers or support enabling actions to assist in the delivery of this strategy.

Part 4 – Our Strategic Housing Priorities

1. Delivering homes to meet the needs of local people

Our priorities are as follows:

The Council will encourage and enable new housing schemes in the district from large scale developments such as the proposed Garden Communities settlement on the border with neighbouring Colchester to providing smaller numbers in our towns and villages such as rural exception sites.

The Council will implement our emerging Local Plan to ensure we maintain a deliverable 5 year housing land supply and a balance between housing and economic growth.

The Council will produce an Acquisitions and Development Policy using prudential borrowing in the housing revenue account, developer contributions towards affordable housing and right to buy receipts

The Council will work with our local communities, other local authorities, the local enterprise partnership, clinical commissioning groups and neighbourhood planning groups to deliver the type and quality of housing the district needs which meets the aspirations of our residents and promotes economic growth in the district.

What we will do

- ◆ Strive to implement our Local Plan.
- ◆ Seek 30% affordable housing on all eligible sites as set out in the emerging Local Plan unless there are prudent reasons not to do so.
- ◆ Support our registered provider partners in bids for funding to provide affordable housing in the district.
- ◆ Review our nomination agreements with registered providers in the district to maximise affordable housing to tackle demand.
- ◆ Work in partnership with developers, land

owners and registered providers to deliver quality affordable homes and cohesive vibrant communities.

- ◆ Encourage and support low cost home ownership initiatives in the district in line with national planning policy.
- ◆ Encourage and support the provision of self-build and custom build housing
- ◆ Produce an Acquisitions and Development Policy to deliver council housing in the district and maximise the opportunities on council owned land and on private developments.
- ◆ Support and facilitate the creation of community land trusts to deliver affordable housing in the district.
- ◆ Work with the Rural Community Council of Essex to support the delivery of rural exception sites in our villages.
- ◆ Work in partnership with commissioners, specialist providers and other statutory bodies to deliver affordable housing provision suitable for our older people and those who are less able.
- ◆ Decide and explore if it is feasible to set up a housing company to deliver affordable housing in the district.
- ◆ Work with partners including Essex County Council, Homes England and the Clacton Town Centre Ambassadors Group to address the particularly acute housing and social issues in Clacton by seeking to deliver high quality new housing as part of the Future High Streets Fund, the regeneration plans for Jaywick Sands and the Hartley Gardens urban extension for the north of the town.

2. Reducing and preventing homelessness and rough sleeping

Our priorities are as follows:

The Council will reduce dependence on nightly paid accommodation and work with landlords to develop a temporary accommodation portfolio and better understand the private rental market.

The Council will ensure it is complying with the provisions of the Homelessness Reduction Act 2017 to support residents and meet the needs of the most vulnerable.

The Council will develop new services to address the needs of rough sleepers and those at risk of sleeping rough and will provide emergency accommodation during severe weather.

The Council will review its Housing Allocations Policy to ensure it is fit for purpose in the light of the Homelessness Reduction Act 2017 and that it continues to provide local homes for local residents.

What we will do:

- ◆ Recruit a Housing Early Intervention Officer to work with families facing homelessness.
- ◆ Work in partnership with registered providers to deliver supported temporary accommodation in the district.
- ◆ Explore the feasibility of setting up a council leasing scheme to increase the supply of accommodation.
- ◆ Reduce reliance on nightly-paid hotel accommodation and seek to eliminate its use by the end of the forthcoming homelessness prevention and rough sleeping strategy.
- ◆ Review the impact of the Homelessness Reduction Act 2017 on current service provision and update policies and procedures accordingly.
- ◆ Create tailored information for specific clients most at risk of homelessness and rough sleeping such as care leavers and veterans and develop specialist in-house knowledge to assist the most vulnerable members in our communities.
- ◆ Deliver new services to address the needs of rough sleepers and those at risk of sleeping rough.
- ◆ Support residents threatened with homelessness as a consequence of welfare changes.
- ◆ Work with the health and social care sector to improve discharge arrangements for those leaving hospital or care.

3. Making the best use of and improving existing housing

Our priorities will be as follows:

The Council will ensure that private rented properties meet required standards in terms of management, repair and energy efficiency and use enforcement powers where necessary.

The Council will review its incentive schemes and deliver new development opportunities to encourage tenants in council accommodation to move to smaller accommodation that is the right size for their needs.

The Council will ensure that existing houses in multiple occupation meet necessary standards and will implement recent changes to licensing regulations.

The Council will continue to reduce the number of long term empty properties as set out in the Empty Homes Strategy.

The Council will deliver a housing investment programme to ensure that our tenants continue to live in decent, affordable homes.

The Council will ensure that funding for home adaptations and improvements is spent in the most effective way.

What we will do:

- ◆ Work with planning colleagues and other statutory partners to tackle unlawful houses in multiple-occupation.
- ◆ Review our civil penalties policy and HMO licensing policy to ensure they remain fit for purpose.
- ◆ Work co-operatively with private landlords and agents to improve conditions in the private sector.
- ◆ Publicise and encourage affordable warmth and energy efficiency programmes in the district.
- ◆ Deliver a new incentive scheme to assist tenants wanting to move to the right size accommodation
- ◆ Deliver an annual housing investment

programme over the course of this strategy.

- ◆ Reduce the number of empty homes in the district.
- ◆ Publish a revised Financial Assistance Policy for Private Sector Housing during 2020.

4. Supporting people in their homes and communities

Our priorities will be as follows:

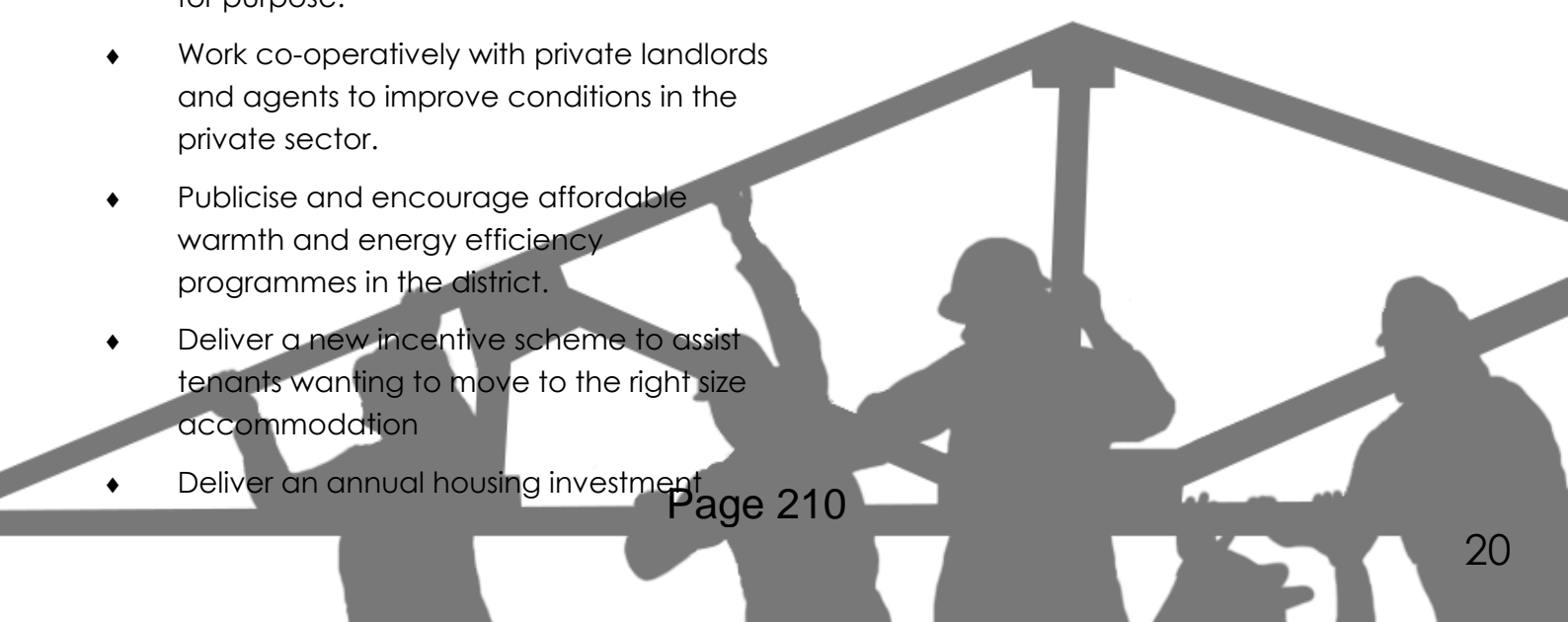
The Council will ensure access to disabled facilities grants and other discretionary improvement loans is maximised to improve the health and well-being of our residents.

The Council will encourage the provision of accessible properties for older people and those with disabilities.

The Council will review the provision of older persons housing in the district to plan for an ageing population.

The Council will continue to support tenants and residents who have been affected by welfare reforms such as the benefit cap and bedroom tax and who have been affected by the roll out of universal credit in the district.

The Council will consult with its tenants on the future delivery of its housing service.



What we will do:

- ◆ Encourage a maximum take-up of Disabled Facilities Grants and discretionary loans to support our older and disabled residents to remain in their homes.
- ◆ Seek accessible properties as a priority on planning applications where affordable housing is required.
- ◆ Undertake a project in partnership with other providers and commissioners to determine the housing aspirations and needs of our older population to facilitate future housing provision.
- ◆ Create a new Rent and Financial Inclusion Strategy to help those affected by welfare reform.
- ◆ Implement any necessary recommendations following the consultation exercise on the Housing Green Paper "A New Deal for Social Housing" in consultation with our Tenants Panel.

Part 5 – Monitoring the Housing 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.

This strategy is accompanied by a delivery plan in Appendix 1 of this document which sets out when the actions will be completed and achieved. The strategy and delivery plan will be reviewed and monitored regularly and a report will be produced and published annually to update the community and other interested parties on how the strategy is progressing.

APPENDIX 1 HOUSING STRATEGY 2020-2025 DELIVERY PLAN

Note; This Delivery Plan has been devised at a time when the country is contending with the Covid-19 pandemic. As a consequence some target dates may slip and will be amended accordingly.

STRATEGIC PRIORITY 1:

DELIVERING HOMES TO MEET THE NEEDS OF LOCAL PEOPLE

Action	Outcome	Risks	Timeframe	Lead Officer(s)
Deliver an Acquisitions and Development Policy	To facilitate the delivery of at least 200 new council homes over the course of this strategy	Economic climate, market forces and lack of funding could compromise delivery.	Jul-20	Assistant Director (Housing and Environment)
Carry out an audit of council lands and sites to determine suitability for future development	To assist in the delivery of new Council homes	Lack of officer time	May-21	Housing Manager

Action	Outcome	Risks	Timeframe	Lead Officer(s)
Progress the delivery of a new Garden Community on the border with Colchester	To deliver the new homes, infrastructure and jobs the district needs, including affordable housing	Economic climate and market forces	Jun-25	Corporate Director (Place and Economy)
Maximise funding opportunities and strategic growth discussions to deliver homes to meet the wider needs of the area	To bring forward larger schemes identified in the Local Plan e.g. Hartley Gardens	Economic climate, market forces and lack of funding	Jun-25	Corporate Director (Place and Economy)
Work with partners on a joint venture to deliver new housing, including affordable housing, via the Future High Street Fund	To deliver new housing and economic growth and activity in our high streets	Economic climate, market forces and lack of engagement from partners	Jun-25	Assistant Director (Strategic Planning & Place)
Support the delivery of two sites in the district to support economic growth and regeneration in our towns	To deliver regeneration in our towns and increase economic activity	Economic climate, market forces, lack of funding and lack of engagement from partners and stakeholders	May-25	Assistant Director (Housing and Environment)
Deliver a new Empty Homes Strategy	To bring long-term empty homes back into use to meet housing need	Lack of engagement from property owners. Lack of resources for enforcement (CPO)	Dec-20	Assistant Director (Housing and Environment)
Facilitate the development of at least two rural exception sites in the district	To deliver homes in villages to meet local needs	Lack of funding and engagement	May-25	Executive Projects Manager (Housing)
Deliver of Local Lettings and Sales Plan for Jaywick Sands	To ensure new homes are prioritised for Jaywick Sands residents and Key Workers	Adopting the plan poses no risks	Jul-20	Executive Projects Manager (Housing)

STRATEGIC PRIORITY 2:

REDUCING AND PREVENTING HOMELESSNESS

The Council has published a Homelessness Reduction and Rough Sleeping Strategy 2020-2024. The Delivery Plan in the strategy sets out the actions the Council will take

to reduce homelessness and rough sleeping over the length of that strategy. The strategy and delivery plan can be viewed at www.tendingdc.gov.uk/housing/strategies-and-policies

STRATEGIC PRIORITY 3:

MAKING THE BEST USE OF AND IMPROVING EXISTING HOUSING

Action	Outcome	Risks	Timeframe	Lead Officer(s)
Deliver an annual Housing Investment Programme	To improve council homes and estate areas to ensure they meet required standards and contribute to reducing carbon emissions	Lack of funding in the Housing Revenue Account	Annually	Development and Building 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 housing need in the district	Lack of new affordable homes being delivered to meet the needs of older tenants	Jan-21	Housing Solutions and Allocations Manager
Review nomination agreements with registered providers	To increase the number of available homes in the district to meet local needs	Lack of engagement from registered providers	Apr-21	Executive Projects Manager (Housing)
Deliver a new Tenancy and Rent Strategy for the district	To ensure new and existing affordable homes in the district meet local needs	Lack of engagement from registered providers and other stakeholders	Apr-21	Executive Projects Manager (Housing)
Deliver a Succession and Assignment Policy	To ensure the Council complies with legal requirements	Lack of policy could cause reputational damage to the Council	Dec-20	Executive Projects Manager (Housing)

Continued...

Action	Outcome	Risks	Timeframe	Lead Officer(s)
Revise and deliver a new tenancy agreement for Council tenants	To ensure the Council meets regulatory requirements	Lack of a robust tenancy agreement will undermine tenancy management and cause reputational damage	Mar-21	Customer Services Manager
In partnership with other partners and stakeholders, undertake a review of older persons housing in all sectors	To plan for the future housing needs of our ageing population	Lack of engagement from partners, stakeholders and the wider community	May-25	Executive Projects Manager (Housing)

STRATEGIC PRIORITY 4:

SUPPORTING PEOPLE IN THEIR HOMES AND COMMUNITIES

Action	Outcome	Risks	Timeframe	Lead Officer(s)
Deliver a new Anti-Social Behaviour Strategy	To deliver a strategy to support victims and take action against perpetrators	Lack of engagement from partners	Dec-21	Housing Manager
Deliver a Financial Inclusion Strategy for our tenants	To improve the financial resilience of our tenants and support them to improve their financial well-being	Lack of engagement from partners	Apr-22	Executive Projects Manager (Housing)
Deliver a new Resident Involvement Strategy	To involve our tenants in shaping our future services	Lack of engagement from tenants	Mar-21	Customer Services Manager
Deliver a Tenants Decant Policy	To ensure tenants are aware of the help that can be provided if they need to move temporarily from their home	Lack of a formal policy could cause reputational damage to the Council	Dec-20	Customer Services Manager
Deliver a Tenants Recharge Policy	To ensure the Council can recover charges from tenants where applicable	Lack of a formal policy could cause reputational damage to the Council	Dec-20	Customer Services Manager

COUNCIL

15 SEPTEMBER 2020

REPORT OF CHIEF EXECUTIVE

A.3 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leaders of the Conservatives, Tending Independents and UKIP Groups and the authority delegated to me, the following appointments have been duly made since the last ordinary meeting of the Council -

Audit Committee

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

Human Resources & Council Tax Committee

Councillor Amos has been appointed to serve in place of Councillor S A Honeywood.

Licensing and Registration Committee

Councillor McWilliams has been appointed to serve in place of Councillor Overton.

Planning Committee

Councillor Casey has been appointed to serve in place of Councillor Harris.

Councillor Harris has been appointed to serve in place of Councillor McWilliams.

Resources and Services Overview & Scrutiny Committee

Councillor Harris has been appointed to serve in place of Councillor Turner.

Standards Committee

Councillor S A Honeywood has been appointed to serve in place of Councillor Alexander.

Councillor Turner has been appointed to serve in place of Councillor Harris.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

15 SEPTEMBER 2020

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 MEMBERSHIP OF COMMITTEES ETC.

Formal appointments dated 3 July 2020.

COUNCIL

15 SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

A.4 “REMOTE” MEETINGS AND CHANGES TO THE COUNCIL’S CONSTITUTION

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To consider the recommended changes to the Constitution put forward by the Cabinet in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392].

BACKGROUND

On 29 May 2020 Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder which sought its 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 (‘the Regulations’).

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

It was therefore the case that the effect of these Regulations on the Authority’s Constitution was to insert what were, in effect, mandatory standing orders for those authorities that wished to hold meetings remotely, either wholly or partially.

Members were informed that a Remote Meetings Protocol and Procedure Rules document had been produced on 17th April 2020 by Lawyers in Local Government (LLG) and the Association of Democratic Services (ADSOS) for the purpose of assisting authorities to highlight the changes required to Councils’ Constitutions in consequence of the Regulations. Rather than adopting the Protocol without amendment, the Monitoring Officer and Democratic Services officers, had worked through this national guidance and best practice in order to highlight the changes required for Tendring District Council.

It was reported that the proposed changes covered a number of miscellaneous amendments to the Council Procedure Rules and the Access to Information Procedure Rules, and Articles 3 and 7 which were all required in order to comply with the new legislation and to ensure that this Council’s Constitution remained effective, efficient and consistent at an operational level. The key changes to each of these documents were highlighted within the body of the Portfolio Holder’s report.

The Cabinet was advised that the Monitoring Officer could make these changes to the Constitution in accordance with the delegated authority provided to her within Article 15. However, it was still considered to be 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

The Cabinet's decision at its meeting held on 29 May 2020 was as follows:-

"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."*

The Portfolio Holder's Report and the relevant accompanying Appendices A to E which were considered by Cabinet at its meeting on 29 May 2020 are attached as Appendices.

In accordance with the decision of the Cabinet, the Corporate Finance and Governance Portfolio Holder's Constitution Review Working Party (CRWP) met on 3 July 2020 and undertook a light-touch review of any changes to be made to the Constitution and the application of the Remote Meeting Guidance and reflected upon working practices for remote meetings. The Working Party agreed to make the following recommendations to Full Council for ratification:-

- a) that the Council's regulatory committees be listed in the proposed new Council Procedure Rule 19A;*
- b) that the Remote Meeting Guidance for Councillors include a provision whereby Members inform the Chairman that they are leaving the meeting either permanently or for an extended period of time; and*
- c) that during this current period when meetings are being held remotely that any*

proposed amendments to Motions on Notice submitted to a Full Council meeting should be circulated in advance of that meeting.

The Working Party also discussed Members' attendance at meetings and compliance with Section 85 of the Local Government Act 1972 in the light of meetings being held remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (and, in particular, Regulation 5 of those Regulations).

To assist in its discussions the Working Party had before it a Briefing Note prepared by the Monitoring Officer together with extracts of the relevant legislation.

It was **AGREED** by the CRWP that the Assistant Director (Governance) & Monitoring Officer take into account going forward that the **CRWP recommends that** –

- (i) Members who are following the proceedings of a meeting via the public 'live stream' should inform Officers that they are doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings;
- (ii) in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes; and
- (iii) any Ward Member or "caller in" who registers to speak on a planning application due to be considered by the Planning Committee should be then sent the relevant Microsoft Teams or Skype4Business meeting invite in order that they can join the meeting at the appropriate juncture by video link rather than by audio telephone link only.

Due to the importance of the consequences of Section 85 of the Local government Act 1972 (attendance at a meeting within 6 months to avoid automatic disqualification), the Monitoring Officer's opinion is that recommendations (i) and (ii) directly above should be included within the Constitution once approved by Full Council.

RECOMMENDATIONS

- (a) That, subject to recommendation (b) below, Council resolves that the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A to E attached hereto this report;
- (b) That the recommendations arising from the meeting of the Corporate Finance and Governance Portfolio Holder's Constitution Review Working Party held on 3 July 2020 be approved, adopted and implemented; and
- (c) That, subject to recommendation (b) above, the Monitoring Officer be authorised to make changes to the Constitution where necessary and ensure that the Remote Meeting Guidance for Councillors is updated accordingly.

BACKGROUND PAPERS

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

APPENDICES		
A.4		
APPENDIX A	Part 4	Council Procedure Rules – Section One
APPENDIX B	Part 4	Council Procedure Rules – Section Two
APPENDIX C	Part 5	Access to Information Procedure Rules
APPENDIX D	Part 2	Article 3 – Citizen’s and the Council
APPENDIX E	Part 3	Article 7 – the Executive (Cabinet)
APPENDIX F		Report of the Corporate Finance and Governance Portfolio Holder which was submitted to the meeting of the Cabinet held on 29 May 2020

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.

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.

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.

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.

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

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.

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.

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

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

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.

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.

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

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.

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

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

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.

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.

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.

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.

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.

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

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.

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.

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

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

(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

(Peach)

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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Key Decision Required:	NO	In the Forward Plan:	NO
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A.4 APPENDIX F

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 7th 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 17th 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 4th April 2020 until 7th 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/ukxi/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

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

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COUNCIL**15 SEPTEMBER 2020****REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS****A.5 Scheme of Allowances for Councillors – And related report from the Independent Remuneration Panel**

(Report prepared by Keith Simmons)

PART 1 – KEY INFORMATION**PURPOSE OF THE REPORT**

To receive the report of the Independent Remuneration Panel (IRP) and consider its recommendations. The Council is then invited to determine the Scheme of Allowances for Councillors for the remainder of this financial year (and, if appropriate for the financial years 2021/22 and 2022/23).

EXECUTIVE SUMMARY**Scheme of Allowances 2020/21 (and up to 2022/23)**

- The Council's current Scheme of Allowances for Councillors was adopted on 28 May 2019 (at the Annual Meeting of Council in that year) and was then amended by Council on 21 January 2020. It will expire on 31 March 2021 unless a new scheme is adopted/an Annual Meeting is held prior to then. The current Scheme, as amended on 21 January, is set out in Part 7 of the Constitution that is repeated at Appendix A to this report.
- Before any Scheme of Allowances for Councillors can be adopted or amended the Council is required to have received and considered a report from its IRP on that Scheme. The IRP for this Council has submitted its report and this is set out at Appendix B to this report. It should be noted that this report was submitted several months prior to the Local Government Pay Award for staff for 2020/21. In the fourth bullet point in this section there is reference to the Pay Award being used as an index for adjustments to the approved allowances. The report should be read in the light that since it was prepared there has been a Pay Award of 2.75% for 2020/21 and this is referenced elsewhere in this report and specifically in Appendix C where both the IRPs original recommendations and the revised figures following the Pay Award are shown.
- The IRP's recommendations have been advertised in the local press in accordance with the Regulations. The IRP's report was circulated to all Group Leaders in week commencing 1 June 2020.
- Along with proposals for specific Basic and Special Responsibility Allowance levels, the IRP report includes a recommendation that for this financial year and for 2021/22 and 2022/23 the pay award for Council staff nationally should be used as an index to be applied to the Allowances adopted. If this were adopted, in terms of the legislation, this would be an alteration of the Allowances rather than an amendment and not require a further review by the IRP. Consequently, if adopted by Council, this index linking would have the effect that the next programmed review of Allowances would be for the financial year following the next scheduled elections to this Council (in May 2023). The same would be the case in respect of Carers' Allowances and travel and subsistence allowances if linked to the Real

Living Wage and HMRC rates as appropriate and as set out in the recommendations of the IRP.

- The recommendations of the IRP do not bind the Council. In accordance with good decision making, Council should clearly set out its reasons for determining the Scheme of Allowances it intends to adopt. The Council must have regard to the IRP's recommendations.

RECOMMENDATION(S)

It is recommended that:-

- Council notes the current Scheme of Allowances for Councillors as set out at Appendix A (being Part 7 of the Council's Constitution);**
- Council receives and considers the report of the IRP on Allowances for Councillors for the remainder of this financial year and for the financial years 2021/22 and 2022/23 as set out at Appendix B.**
- Council determines the Scheme of Allowances for the remainder of this financial year (and, if appropriate, for the financial years 2021/22 and 2022/23); and**
- Subject to c) above, the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed Scheme of Allowances.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of a published Scheme of Members' Allowances, having regard to the recommendations of an IRP, is consistent with the Council's core values of integrity and openness.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The budget for 2019/20 for Members' Basic and Special Responsibility Allowances and for the Chairman and Vice Chairman Allowances totals £402,890. Any adjustment to the budgeted cost of the current and any adopted Scheme will be reflected in in-year updates to the Council's budget (and in preparations for future year budgets).

Risk

The members of the IRP are not Councillors or Officers and are otherwise unconnected with the Council (other than also being independent persons within the Standards regime of the Council). Council is directly accountable to the electorate in respect of the payments made to the Councillors.

LEGAL

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') set out the arrangements to be followed in relation to allowances to be approved for payment to Councillors. The Regulations set out that it is for the IRP to make recommendations on Scheme for Allowances and it is Council that actually determines that Scheme. Provided that Council has due regard to the IRP report and sets out its reasons for the Allowances Scheme it adopts, it will meet those statutory requirements.

Other requirements of the 2003 Regulations are set out within this report and the Appendices.

The Local Government Act 1972 (sections 3 and 5) allows the payment of an allowance to the Chairman and Vice Chairman.

OTHER IMPLICATIONS

Members' Responsibility For Reporting Receipt of Allowances

Members are advised to declare the receipt of a members allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how members' allowances are treated may vary depending on the benefit claimed and advice should be sought from the relevant administrating body. For example the rules for those in receipt of Housing Benefit and Council Tax Support state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the performance of their duties". Members are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

Wards Affected

All.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The law permits the Council to pay the following allowances:

- A Basic Allowance that is payable to all Councillors (and is equal for all Councillors)
- Special Responsibility Allowances payable to those who undertake the identified special responsibilities.
- Dependants' Carers' Allowance (including for child care)
- Travel Allowance
- Subsistence Allowance

The Council has a Scheme for Allowances and this is set out in Part 7 of the Constitution and is repeated at Appendix A to this report. This sets out further detail of the allowances referred to above.

The content of Appendix A represents the decision of Council on 21 January 2020 to amend the Scheme of Allowances for 2019/20 Municipal Year. As a consequence of that decision, the amended Scheme will remain in place until 31 March 2021 (unless the Scheme is further amended or an Annual Meeting of the Council takes place prior to that date).

The report of the IRP considered by the Council at the meeting on 21 January 2020 is available at this link:

<https://tdcdemocracy.tendringdc.gov.uk/documents/s27151/Final%20Light%20Touch%20DRAFT%20IRP%20High%20level%20and%20light%20touch%20allowances%20review%202019%20-%20FINAL.pdf>

The decision of Council on 21 January 2020 is repeated in the report of the IRP at Appendix B.

The IRP's last substantive report, considered at the Annual Meeting of the Council on 28 May 2019 is available at this link:

<https://tdcdemocracy.tendringdc.gov.uk/documents/s19548/A2%20Appendix%20A.pdf>

The IRP met on 20 March 2020 for the purposes of its 2020 review of the Scheme of Allowances for this Council.

- The IRP requested and were supplied with – Allowances from 10 other District Councils in Essex and Babergh, electorate figures for the same authorities, average wage in Tendring and in Colchester, confirmation of the total budget for allowances in 2020/21 and that backdating of allowances with a year was legally permitted.
- IRP also received submissions from the Leader of the Council/Conservative Group, Labour Group, the Independent Group, UKIP Group, Holland on Sea/Eastcliff Matters Group, Cllr Nick Turner, Cllr Zoe Fairley, Cllr Gina Placey, Cllr Mick Barry, Cllr Alan Coley and Cllr Delyth Miles. Several of the individual Cllr submissions outlined their time commitments to their roles as a Councillor.

The IRP's latest report is set out at Appendix B to this report. Appendix C sets out a summary comparison of the current Scheme amounts and the recommendations from the IRP. This incorporated both the original recommended allowance level from the IRP and the revised amount following the Local Government pay award for staff of a 2.75% inflationary increase in pay from 1 April 2020.

For completeness, the information provided to the IRP and referenced above is set out at Appendix D to this report. The views of Members as referred to above are set out at Appendix E.

The recommendations from the IRP can be summarised as follows:

- To reduce the Basic Allowance from £6,000 to £5,709 (based on the revised figure; originally it was £5,556). Effectively to reinstate the May 2019 Allowance level (but revised as set out in the fourth bullet point below).
- The Leader of the Council Allowances would decrease from £20,400 to £19,420 (as revised; originally it was £18,900) and proportionate decreases would apply to all other SRAs. There is a larger reduction for the Planning Committee Chairman's Allowance from £7,140 to £6,165 (as revised; originally it was £6,000) (to warrant – as far as the IRP was concerned - the continuing Vice-Chairman's Allowance)
- To limit the number of SRAs that are claimable to two per Member.
- To provide for the Basic and SRA Allowances to be increased in 2020/21, 2021/22 and 2022/23 by the Local Government Pay Award.
- To change the basis of the Group Leader allowance to £200 per Member of the Group (from the current £900 fixed amount and variable £96 per Member of the Group).
- To apply the prevailing 'Real Living Wage' to carer allowances and the prevailing HMRC rates for travel and subsistence.

For the avoidance of doubt, the IRP was advised that the proposal would see a £444 reduction in the Basic Allowance for each Councillor. The IRP confirmed its position and identified that its recommendation was based on Basic Allowances of the Councils they had information for. This showed at (the original) £5,556 the Basic Allowance would be mid table for those Councils. At £6,000 it would be second in that table behind Colchester

at the top.

The IRP was also reminded that in May 2019 it quoted the average Tendring full-time wage at the time as being £11.88 per hour. This was used, with the 40% public service discount and based on a 15 hour week, to come to the (original) £5,556 Basic Allowance recommended at the time by the IRP. In March of this year the information provided to the IRP indicated that hourly rate in Tendring had risen to £13.39 per hour. This is a 12.7% rise in that period. Applied to the Basic Allowance that would move it from (the original) £5,556 to £6,261.

In addition to the above, the IRP was informed that the mean hourly rate for staff of Tendring District Council in March 2020 was £12.90. Using that figure in the same way as the IRP has previously used the Tendring average wage gave an 8.5% rise in allowances and this gives Basic Allowance of £6,033 (very close to the Basic Allowance approved on 21 January 2020).

On 10 June the IRP's report was provided to Group Leaders with a draft of this report. Public notice of receipt of the IRP's report was given in a local newspaper on 8 June 2020. Such public notice is a legal requirement.

In considering the Scheme of Allowance for the Council, elsewhere on the agenda for this meeting of Council, it will be giving consideration to proposals to amend the Council's Constitution. One of those changes, as recommended by the Leader of the Council is:

“Rule 16 – Rules of Debate To incorporate within Rule 16.5 a requirement that any amendment proposed to be made to the recommendations made by the Independent Remuneration Panel (IRP) in respect of the Members’ Scheme of Allowances must have been submitted to the Council’s Section 151 Officer and the Monitoring Officer at least two working days before the relevant Full Council meeting to enable them to consider the legal and financial implications together with the documented reasons for departing from the IRP’s recommendations. Any such amendment then deemed to be valid by the Monitoring Officer will be immediately circulated by email to all Members of the Council. Copies of such amendment(s) will also be placed on Members’ tables prior to the commencement of the Council meeting.”

Notwithstanding that the above change, if approved, will not have been able to take effect prior to this meeting of Council, the Leader has indicated that he will observe the above in submitting any amendment to the recommendations of the IRP that are the subject of this report.

As set out in the recommendations section of this report, Council is requested to:

- (a) note the current Scheme of Allowances for Councillors as set out at Appendix A (being Part 7 of the Council's Constitution);
- (b) receive and consider the report of the IRP on Allowances for Councillors for the remainder of this financial year and for the financial years 2021/22 and 2022/23 as set out at Appendix B.
- (c) determine the Scheme of Allowances for the remainder of this financial year (and, if appropriate, for the financial years 2021/22 and 2022/23); and

- (d) subject to c) above, approve the amendment of the Scheme of Allowances in Part 7 of the Constitution to reflect the agreed Scheme.

In relation to c) above, the consideration of any proposals for a Scheme of Allowances may address the actual amounts of the Basic and Special Responsibility Allowances as well as the following elements of the recommendations from the IRP:

- Whether to limit the number of SRAs that are claimable by any individual Councillor.
- Whether to link the amount of allowance payable to any index of inflation/pay award in this financial year and in 2021/22 and 2022/23.
- Whether to change the basis of the Group Leader allowance to remove the fixed element that comprises part of the allowance at present.
- Whether to apply the prevailing 'Real Living Wage' to the dependants' carers' allowance and the prevailing HMRC rates for travel and subsistence.

As set out elsewhere, if at this stage the Council approves a Scheme of Allowances for the following two financial years, the next scheduled time for the IRP to review the Allowances Scheme for this Council would be prior to the start of 2023/24 and therefore this will concern the Scheme of Allowances to be paid following the scheduled elections to this Council in 2023.

Public Notice of the decision of the Council on a new/amended Scheme of Allowances for Councillors will be given and, if no further amendment is made, each year in 2021/22 and 2022/23 in order to comply with the requirements of the 2003 Regulations.

APPENDICES

Appendix A – Current Scheme of allowances for Councillors

Appendix B - Report of the Independent Remuneration Panel (IRP)

Appendix C – Summary of current allowances and recommendations from the IRP

Appendix D – Information sought by (and provided to the IRP in its consideration of the Scheme of Allowances

Appendix E – Submissions from Members to the IRP as part of the IRP's review of allowances

Tendring District Council's Constitution – Part 7 – Scheme of Allowances for Councillors**1.0 INTRODUCTION****1.1 The Scheme and Title**

In exercise of the powers conferred on Tendring District Council under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) the following Scheme of Allowances ("the Scheme") has been approved by the Council, having taken due account of the recommendations of its Independent Remuneration Panel.

The Scheme may be cited as the "Tendring District Council Members' Allowances Scheme", and will be effective from 1st May each year until subsequently amended by the Council.

1.2 Annual Review

In accordance with the above regulations the Scheme payments will be reviewed annually. The review process will involve:-

- Scrutiny by the Independent Remuneration Panel (IRP) of the ongoing and future role and workload of Members and review of the allowances and amounts paid to Members;

OR

- Application of an appropriate agreed indexation allowance for up to a maximum of 4 years
- The IRP will then make recommendations to the Council in respect of payments considered to be appropriate for subsequent years.

See Appendix 2 for the current scheme and most recent decision by Annual Council.

1.3 Definitions

In the Scheme:-

"Councillor" or "Member" means an elected Member of Tendring District Council
 "Year" means the year (or part year) ending at the annual Full Council meeting

2.0 THE STRUCTURE OF THE SCHEME**2.1 Member Involvement**

This Scheme has been established in a way that reflects the responsibility and time commitment required from Members in the discharge of their duties. It acknowledges their duties to ward constituents, fellow councillors, the population as a whole and to organisations outside the Council. The extent of these responsibilities, and the commitment they require, is reflected in the extent to which a Councillor is remunerated.

2.2 Basic Members' Allowance

Basic Allowance is a flat rate payment made to all Councillors in recognition of their time commitments, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It also covers incidental costs such as the use of their homes, telephone costs and peripheral costs

such as paper, printer cartridges etc. except that headed paper and business cards will be provided by Tendring District Council on request. The same level of Basic Allowance is paid to all councillors.

2.3 Special Responsibility Allowance

Special Responsibility Allowances will be payable to those councillors who hold positions with additional special responsibility.

Payment to the Leader(s) of Opposition Group(s) will also be considered.

The amount of Special Responsibility Allowance (SRA) payable will vary according to the position held, duties undertaken and the level of responsibility involved.

2.4 Childcare and Dependant Carers' Allowance

The Regulations make provision for the Scheme to include payment of a Childcare and Dependant Carers' Allowance to those councillors who incur expenditure for the care of children or dependant relatives whilst undertaking official duties.

Allowances are also made available to Members who have an express need. The express need shall be in the form of a written declaration by a Member that needs to be lodged with the Management and Members' Support Manager.

2.5 Travel and Subsistence Allowance

Travel and Subsistence Allowances are also approved by the Council following consideration of recommendations made by the Independent Remuneration Panel in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

Travel and Subsistence payments will be made in accordance with the laid down rates in respect of councillors' duties and in respect of approved attendance on approved outside bodies. Rates approved by the Council, following consideration of the recommendations of the Independent Remuneration Panel are set out in Appendix 2 to this Scheme.

Claims for travel and subsistence submitted to Management and Members' Support by the 2nd working day of each month will be paid in that month otherwise they will be paid the following month. Members should aim to submit claims the month after the mileage etc has been incurred in order to assist effective budgetary control and ensure proper treatment within the correct tax year (in compliance with HMRC requirements). Members will be reminded before the end of the tax year to submit claims relating to that year.

2.6 Attendance at Meetings and Conferences

This allowance is paid in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. As with travel and subsistence, claims submitted to Management and Members' Support by the 2nd working day of each month and will be paid in that month otherwise they will be paid the following month.

2.7 Pensionability of Posts

The Local Government Pension Scheme does not allow councillor posts to be pensionable.

3.0 CLAIMS AND PAYMENTS

The Scheme will be administered in a way that meets the need for both simplicity and transparency. The following procedures are intended to achieve such objectives.

3.1 Documenting Entitlement to Allowances

Following the four yearly local elections and the subsequent Annual Council Meeting at which positions on the Council are filled the annual remuneration entitlement in respect of each Councillor will be calculated and documented.

Details will be included on a Schedule of Members' Commitments form (Appendix 1), that will form part of each Member's Declaration of office and which will provide a

public record of an individual's responsibilities and commitments. These documents will be retained within the Council and will be used to determine the basis of each Councillor's monthly payment through the Council's payroll system.

Any changes to members' allowances subsequent to this will be documented separately and individual Schedules of Members' Commitments will not be updated.

3.2 Payment

Payment of allowances will be paid to each Councillor in arrears in twelve instalments on the 20th of each month (or nearest working day thereto).

3.3 Changes/Part-Year Entitlement

Councillors may, during the course of a year, take up or relinquish a position or role identified within this scheme which alters their entitlement to allowances. In such circumstances their entitlement will be adjusted on a pro-rata basis. Councillors should notify the Management and Members' Support Manager of such changes as soon as they are known.

If a Councillor's term of office starts or ends other than at the commencement or end of the normal municipal year, entitlement to such remuneration as their responsibilities and commitments attract will also be calculated on a pro-rata basis.

The revised allowance will apply from the day on which the change occurs.

3.4 Option to Forgo Allowances

A Councillor may decide to forgo all or part of the allowance due to him/her. In such circumstances the Management and Members' Support Manager should be notified in writing of such decision.

Once in place, limited or non-payment will continue until revoked in writing by the Councillor concerned (NB such revocation shall not be backdated).

3.5 Verification of Travel and Subsistence

In order to maintain the transparency of the scheme, a list of "approved" duties that attract entitlement to travel and subsistence will be maintained and all claims will be verified against this list before payment is made with non-compliant claims being removed.

3.6 Members Responsibility for Reporting Receipt of Allowances

Members are advised to declare the receipt of a members allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how members' allowances are treated may vary depending on the benefit claimed and advice should be sought from the relevant administrating body. For example the rules for those in receipt of Housing Benefit and Council Tax Benefit state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the performance of their duties". Members are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

4.0 APPROVED DUTIES

The power "to appoint member representatives to attend meetings of appropriate outside bodies" is delegated in Part 3 of the Constitution to Portfolio Holders and to Committees with regard to the functions within their jurisdiction.

4.1 Approved Duties for Travel and Subsistence Allowance

- **Attendance at Meetings of the Full Council, the Cabinet, Committees and Sub-Committees or formally constituted panels or working parties.**

- Attendance at the above meetings;
- Attendance at informal meetings of any of the above meetings;
- Formal pre-briefings for any of the above meetings;
- Formal Portfolio Holder or Committee working parties;
- Any other reasonable or appropriate informal briefing or meetings with officers to prepare for any of the above meetings or discuss any matter relating to the business of the Council as determined by the Chief Executive.

Expenses are payable to all Members for attendance at Council otherwise it is payable where the Member is appointed to or invited to attend the relevant Cabinet, Committee, Sub-Committee or Working Party. It is not payable where Members choose to attend a meeting and sit in the audience.

Similarly expenses are payable where Members request or are invited to pre organised meetings with officers to discuss Council business.

- **Attendance by Councillors at site or similar meetings, approved in advance**

- Refers to any site meeting or other similar meeting proposed and approved by any of the groups included in 1) above i.e. Full Council, the Cabinet, Committees and Sub-Committees or formally constituted panels or working parties.

Expenses are payable where Members attend site meetings in relation to meetings of Cabinet, Committees, Sub-Committees or Working Parties to which they are appointed or invited to attend.

- **Attendance at meetings of approved external bodies**

- Attendance at meetings with approved external bodies at any venue
- Appointment to an LGA members structure where expenses are not met by the LGA and the appointed member provides feedback.

The relevant external bodies are those which the Leader has made a formal decision to appoint to. The list is on the Members' page of the intranet.

- **Attendance at Authorised Conferences and/or Seminars**

- Attendance at conferences authorised in accordance with delegated powers.
- Attendance at any seminar if reasonable and relevant/appropriate to the responsibilities of individual Members.
- Attendance at any learning and development opportunity if reasonable and relevant/appropriate to the responsibilities of individual Members.

Expenses are payable where the training is relevant to the Members' position on the Council. This will include Council arranged sessions such as the regular

Members' Briefings. Where Members attend external training out of personal interest, that will not be payable.

- **Attendance at Civic Events**

- Attendance by the Chairman or Vice Chairman and their consorts at civic events.

Expenses are payable for the Chairman or Vice Chairman and their consorts undertaking civic duties. They will not be payable for other members attending civic events.

5.0 APPLICATION OF THE SCHEME

The following principles will apply in the adopted scheme.

5.1 Substitute Members

The scheme does not permit the remuneration for substitute Members, other than in respect of payment for travel and subsistence for substitution at meetings and attendance at any mandatory training. This is on the basis that a Member has been named as a substitute by their Group Leader.

**TENDRING DISTRICT COUNCIL
Councillors' Schedule of Commitment**

Councillor [Enter Full Name]

I wish to claim the allowances set out below which I believe is in accordance with my entitlement under the Member's Allowances Scheme.

	Annual Remuneration	
BASIC ALLOWANCE		
SPECIAL RESPONSIBILITY ALLOWANCE Special Responsibility Allowance is paid to those Councillors who have significant responsibilities:- Leader of the Council Other Members of the Cabinet Group Leader(s) Audit Committee Chairman Community Leadership Overview & Scrutiny Committee Chairman Resources and Services Overview & Scrutiny Committee Chairman Human Resources and Council Tax Committee Chairman Licensing and Registration Committee Chairman Licensing and Registration Sub-Committees Chairman Planning Committee Chairman Planning Committee Vice Chairman Planning Committee Members Planning Policy & Local Plan Committee Chairman		
Total Annual Allowance £		
Childcare Allowance I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. **please delete as appropriate	YES**	NO**
DEPENDENT CARERS' ALLOWANCE I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. **please delete as appropriate	YES**	NO**

I understand that travel and subsistence and carers claims need to be submitted by the 2nd working day of each month in order to be paid in that month. I undertake to inform the Head of Democratic Services and Elections of any circumstances that will affect my entitlement to any of the above allowances.

Signed _____ Date _____

DECISION OF ANNUAL COUNCIL – 21st JANUARY 2020

Council on 21st January 2020 agreed the following scheme with effect from 1st May 2019.

SCHEDULE OF ALLOWANCES**Period 1st May 2019 – end of the Municipal Year**

	Annual Amount
Allowances	
Chairman of the Council	£6,840
Vice-Chairman of the Council	£1,800
Basic Allowance	£6,000
Special Responsibility Allowances	
Leader of the Council	£20,400
Portfolio Holder (Cabinet Member)	£9,780
Chairman – Planning Committee	£7,140
Vice Chairman - Planning Committee	£1,500
Members of Planning Committee	£960
Chairman – Planning Policy and Local Plan Committee	£3,000
Chairman – Licensing and Registration Committee	£3,000
Chairman – Miscellaneous Licensing Sub-Committee	£780
Members of Licensing and Registration Committee	£300
Chairman – Audit Committee	£4,200
Chairman – Community Leadership Overview & Scrutiny Committee	£4,200
Chairman – Resources and Services Overview & Scrutiny Committee	£4,200
Chairman – Human Resources and Council Tax Committee	£3,000

Group Leader Payments

Payment will be made under the Scheme to a Group Leader who is the leader of any group. The “Group” must comprise 2 or more members.

The amount to be paid to each such Group Leader will be based on a fixed sum plus an amount calculated according to the number of members in the respective group, with both fixed and variable amounts being determined annually by the Council as follows:-

Opposition Group Leaders (who meet the “Group Leader” criteria)	
Fixed Annual Group Leader sum plus	£900
Annual amount payable per opposition group member	£96

Childcare Allowance

- To be paid up to a maximum rate of the voluntary living wage (currently £9.00 per hour) up to a maximum of 15 hours per week;
- Dependant children must be under the age of 16 and living at home with the Member(s);
- Allowance is claimed on production of a signed statement, which declares that the childcare has been provided by a babysitter, and can be paid to a member of the immediate family except Partner/person with parental responsibility.

Dependant Carer Allowance

- For dependants other than children to be paid up to a maximum rate of the voluntary living wage (currently £9.00) per hour for a maximum of 15 hours per week;
- Elderly or dependant relatives must be living at the same address as the Member(s);

Allowance to be paid on production of a receipt from a professional carer.

Conferences

Accommodation Costs **outside London** – (based on absence exceeding 24 hours) – **Maximum Daily Rate** £120.00

Accommodation Costs **London** – (based on absence exceed 24 hours) – **Maximum Daily Rate** £140.00

Travelling

For the use of a motor car regardless of cylinder capacity:

Use of a motor car – first 10,000 miles a year	
Use of a motor car – miles in excess of 10,000 a year	45 pence per mile
	25 pence per mile
For carriage of a passenger also in an approved duty	5 pence per mile
Other Methods of Transport	
	24 pence per mile
Use of Motor Cycle	
Use of a bicycle	20 pence per mile

Subsistence

The rate of subsistence shall not exceed the following rates based on qualifying travel time and the Councillor incurring the cost of a meal or meals:

(a) One meal (5 hour rate)	£5.00
(b) Two meal (10 hour) rate	£10.50
(c) Late meal (on-going at 8 pm) rate	£25.00

Reimbursement of **ALL** subsistence expenses (including hostel costs) will be based on **actual cost incurred on production of receipts** – maximum amounts will only be paid based on proof of expenditure of that level.

All claims for subsistence must therefore be accompanied by receipts demonstrating expenditure actually incurred. This is to ensure that no National Insurance liability is incurred on payments of such allowances.

INDEPENDENT REMUNERATION PANEL

REPORT TO

TENDRING DISTRICT COUNCIL

May 2020

**Review of, and Recommendations on, the
Scheme of Allowances to be paid to District
Councillors in the Municipal Year 2020/2021**

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1. INTRODUCTION

i. Legislation

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') sets out the legal framework for allowances and expenses to Councillors. It provides for a Basic Allowance that is paid at the same level to all Councillors on the Council concerned and for allowances to be paid for those who have special responsibilities (special responsibility allowances). Other allowances, including dependants' carers', travelling and subsistence and co-optees are provided for in the Regulations.

The 2003 Regulations require that a scheme is to be determined normally before the relevant financial year has commenced (Regulation 10(1)). However, schemes can be amended at any time. The Regulations also permit a scheme to be adjusted by reference to an index specified by the authority and the indexed changes do not require a fresh determination at that time.

Regulation 19(1) of the 2003 Regulations states that "*Before an authority.....makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel*" (IRP).

Regulation 20 states that an IRP *shall consist of at least three members none of whom—*
(a) is also a Councillor on an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
(b) is disqualified from being or becoming a Councillor.

Regulation 21 requires the appointed IRP to produce a report making recommendations on the matters referred to above that are to be included in a scheme of allowances for Councillors. A copy of a report is then sent to the Council and it must make the report available for public inspection and publish the main features of the recommendations.

The Local Government Act 1972 (sections 3 and 5 respectively) allows the payment of an allowance to the Chairman and Vice Chairman of a Council. As such these are separate legal provisions to those that apply to basic, special responsibility etc allowances under the 2003 Regulations. However, nevertheless, the Council does seek the views of the IRP on these allowances.

Independent Remuneration Panel

At Council on 27th November 2018 the following were appointed to the Independent Remuneration Panel for Tendring District Council. The individuals also serve as Independent Persons within the Standards Regime of the Council.

▽ **Jane Watts (Chair)**

She has worked in education for 30 years; within independent, mainstream and special education schools. Her last post was as head of mathematics and data analysis at a teaching school in Surrey. Presently, she is a self-employed educational consultant involved with projects for both schools and the Autism Education Trust. Previously, she has also been a parent governor and secretary of a school fundraising committee.

▽ **Sue Gallone**

A qualified accountant and auditor who worked in the public sector for most of her career to 2016. She sits on conduct committees; the General Osteopathic Council and the Association of Chartered Certified Accountants. She is also a Board member for Breast Cancer Now and the Health and Care Professions Council, and is an independent member of the Audit and Risk Assurance Committee at the Office of the Immigration Services Commissioner. Since moving to Clacton in 2003 she has been involved with local organisations and charities on a voluntary basis

▽ **David Irvine**

A retired agronomist (specialist arable crops advisor) of UNILEVER, he has, over the best part of 40 years, been respected in his industry to become an examiner for the professional standards organisation (BASIS), training and maintaining the agronomic standards of new entrants. He is active within the Anglican church becoming a Lay Elder and a Bishops Officer and Churchwarden of a church in Bury St Edmunds, where he lives. He has established a community project that assists struggling start-up businesses with cheap office accommodation. He has a keen interest in public life.

▽ **Clarissa Gosling**

She has served as an independent Member, Conciliator, Chair, and Adviser; dealing with complaints, service quality and discrimination for the last 25 years for various public bodies- NHS, Police, and the Office for National Statistics. As a Non-Executive Director of Suffolk Health NHS Trust, she sat on the Audit and Service committees among others, and until recently served as a Board Member on the Orwell Housing Association. She was also an independent chair of the Standards Committee of Ipswich Borough Council and is an Associate Member of the Ombudsman's Society.

2. ROLES AND RESPONSIBILITIES AT COUNCILLORS AT TENDRING DISTRICT COUNCIL AND ITS SCHEME OF ALLOWANCES

i. The Council and Committee Structure

The structure of the Council and the roles of its members currently in place are:-

- **Full Council** consisting of all 48 elected Councillors. Up until the local elections held on 2 May 2019, the Council consisted of 60 elected Councillors. Following an Electoral review by the Local Government Boundary Commission for England the number of Councillors elected on 2 May was 48 with the number of wards in the district being reduced from 35 to 32. Full Council is responsible for the approval of the Council's budget and policy framework and maintenance of the Council's Constitution. Full Council appoints the Leader and the Chairman and Vice-Chairman of the Council.
- **A Cabinet** consisting of the Leader of the Council and up to nine Portfolio Holders. The Cabinet is responsible for most of the Council's functions, known as Executive Functions. These are normally allocated to individual Members of the Cabinet, as determined by the Leader and Cabinet Members are thereby known as Portfolio Holders. The Cabinet has responsibility for Community Leadership in Tendring and takes a lead on the preparation of policies and strategies and recommends and implements the budget approved by Full Council;
- **Overview and Scrutiny** functions are provided through two committees: Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee. Both comprise of nine Councillors and each committee has separate and defined responsibilities. For overlapping issues they may/do appoint Joint Panels;
- **Audit Committee** comprising seven Councillors whose duties include provision of independent assurance on the adequacy of the risk management framework, independent scrutiny of the Council's financial and non-financial performance and overseeing the financial reporting process;
- **Standards Committee** that consists of seven Councillors whose role is to promote and maintain high standards of conduct by Councillors and Co-optees of the authority. The Independent Persons (who also comprise the IRP) also attend and participate in the meetings of the Standards Committee. The Committee operates a Town and Parish Council' Standards Sub Committee;
- **Planning Committee** comprising nine members. This committee meets monthly to handle the significant volume of planning applications that officers cannot determine under delegated authority;
- **Planning Policy and Local Plan Committee** has eleven members and oversees the preparation of the Local Plan and the setting of planning policy (otherwise not reserved to the Cabinet/Council);
- **Licensing and Registration Committee** - the remit of this Committee means that it serves as the Licensing Committee required under the Licensing Act 2003. The Committee is responsible for overseeing licensing matters including Hackney Carriage Drivers and Vehicles, Private Hire Drivers, Vehicles and Operators, Public

Entertainment, Late Night Refreshment, Alcohol (on and off sales) and Gambling licences, permits etc. It has nine Councillors and operates two licensing sub-committees to conduct hearings in respect of the licensing areas;

- **Human Resources and Council Tax Committee** that deals with general staffing matters and agrees annually the overall council tax for the District (that reflects all precepts from Fire, Police and County and Parish Councils. It has 9 members.

Existing Scheme

In 2019/20, the Scheme for Allowances for Councillors was adopted at the meeting of Council on 28 May 2019 (i.e. following the elections to the District Council earlier that month). Minute 13 of the Minutes of that meeting refer. The Council specifically requested the IRP to undertake a high level and light touch review of the approved Scheme of Allowances after three months. The IRP undertook this requested review in September 2019 (and submitted its report in October 2019). The views of Group Leaders as requested and provided to the IRP were considered by it; as was a proposal for introducing an allowance for the Vice-Chairman of the Planning Committee. The recommendations submitted by the IRP to the Council were:

- “(1) That, in respect for the proposal for the re-introduction of a Vice-Chairman’s Allowance in respect of the Planning Committee, Council approve either:*
- (a) Retention of the current position:*
 - a. Chairman of Planning Committee - £6,600*
 - b. All other Members of Planning Committee (including the Vice-Chairman) - £900*
 - (b) Adjust the allowances in respect of Planning Committee to the following:*
 - a. Chairman of Planning Committee - £6000,*
 - b. Vice-Chairman of Planning Committee - £1500,*
 - c. All other Members of the Planning Committee - £900.*
- (2) To make no other change to the Scheme of Allowances recommended to, and adopted by, Tendring District Council at its meeting on 28 May 2019.”*

The Independent Remuneration Panel also invited submissions for the full review of the Scheme of Allowances for Councillors now undertaken (and which this report relates to) and specifically on the issues of Group Leader Allowances and the default position of one Special Responsibility Allowance being claimable by an individual Councillor.

Due to the arrangements for meetings, Council did not consider the above IRP report until 21 January 2020. At that meeting of the Council approved the following:

- “(a) the report of the Independent Remuneration Panel, following that Panel’s high level and light touch review of the current Scheme of Allowances for Councillors [...] be received and noted;*
- (b) having had regard to the recommendations of the Independent Remuneration Panel and for the reasons submitted by Group Leaders in October 2019, the Council resolves to amend the Scheme of Allowances for 2019/20 as follows:*
- a. that the Basic Allowance for all Members be adjusted to £6,000;*
 - b. that all Group Leaders, as defined by the Local Government (Committees and Political Groups) Regulations 1990, be entitled to receive the Group Leaders’ allowance and that reference to ‘Opposition’ is removed;*

- c. that no restrictions be placed on the number of Special Responsibility Allowances (SRA) that can be received; and*
 - d. that the Vice-Chairman of the Planning Committee be entitled to receive a SRA of £1,500.*
- (c) these amendments to the Scheme will apply with effect from the beginning of this Municipal Year; and*
- (d) the implementation of the proposed amendments will remain subject to identifying the necessary funding of £0.041m, which will be considered as part of the Financial Performance Report for Quarter 3 2019/20.*

The required decision in respect of funding of the cost of the amended Allowances Scheme was taken by the Council's Cabinet on 21 February 2020 (Minute 120 refers). As such, the Scheme of Allowances for Councillors for 2019/20 is therefore as amended on 21 January 2020 and referenced above. The full allowances for 2019/20 are set out at Appendix A.

3. THE REVIEW OF BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES IN 2020

As referred to in the section above on the existing Scheme of Allowances for Councillors, the Panel undertook a high level light-touch review of the Scheme in September 2019, inviting and considering comments. The Panel proposed an option to provide the Vice-Chairman of Planning Committee with an allowance and reserved further consideration of more significant changes for the 2020 review. Council considered the Panel's light-touch review recommendations on 21 January and voted for alternative proposals which amended the Scheme and backdated the changes to 1 May 2019. The Panel notes the alternative Scheme agreed by Council, which did not accord with the Panel's view that the Scheme was still valid and should remain largely unchanged at that point.

In their light-touch review, the Panel promised to consider again in the 2020 review the allowances for Group Leaders and whether more than one Special Responsibility Allowance should be paid to any one Councillor. The Panel has also considered carefully in this 2020 review the comments received from Councillors on their roles and allowances. The Panel is grateful to Councillors for submitting their views, noting that these are wide ranging and that views on key issues are often opposing. Councillors made some interesting points which are outside the remit of the Panel and the Panel urges officials to consider these.

The Panel recognises the dedication and public spirit of Councillors, their enthusiasm for the work they do and their determination that public service comes before personal gain. The first review of Allowances for Councillors under the current regulations, undertaken in 2001, established the principle that an important part of being a Councillor is the desire to serve the public and, therefore, not all of what a Councillor does should be remunerated; a portion of a Councillor's time should be given voluntarily. It is therefore the case that the Allowances Scheme for Councillors has, since then, included a 40% Public Service Discount. Several Councillors' comments re-iterated that allowances should not be expected to reflect the time expended on duties and that there is a public service element. The Panel agrees.

The Panel have considered whether they wish to recommend any changes from their recommendations in 2019 to the Scheme for 2020 and their proposals are set out below.

In May 2019 Tendring District Council accepted the 2019/20 Scheme recommended by the IRP. The basic allowance was increased by 7.5% to £5556, in recognition of an increase in the workload caused by the reduction in the number of councillors.

In conducting this annual review of members' allowances, the IRP has considered the submissions made by members and also reflected on the amended Scheme adopted by councillors on 21 January 2020.

The IRP understands that many councillors believe their basic allowance to be lower than neighbouring councils'. The panel compared the May 2019 basic allowance with that of 14 other councils. (This included all 12 councils covered by Essex CC and three in Suffolk). The basic allowance for TDC (£5,556) is the 5th highest of the 15 and is significantly above both the median (£5,000) and mean (£5,015) values. The IRP believes that this level of remuneration is still fair, subject to an inflationary increase, particularly given the current economic climate.

The detail of the comparison with other Councils is set out in the following table.

Rank	Council	Basic Allowance (rounded to nearest £)
1	Colchester	6976
2	Tendring (21 January 2020 Scheme)	6000
3	Brentwood	5950
4	Chelmsford	5874
5	Basildon	5782
-	Tendring (28 May 2019 Scheme)	5556
6	Uttlesford	5151
7	Rochford	5000
8	Mid Suffolk	5000
9	Maldon	4959
10	Babergh	4917
11	Braintree	4827
12	Harlow	4270
13	Ipswich	4007
14	Castle Point	3550
15	Epping	3400

The IRP agree that all Group Leaders should receive a special responsibility allowance and have introduced a new Group Leader SRA from 1 May 2020. This is calculated by multiplying the number of members in the group by £200.

The Panel recommends that members be eligible for a maximum of two SRAs, allowing group leaders to hold a second post of responsibility.

We recognise that there are times when the Chair of Planning is unable to officiate at planning meetings and that on these occasions the Vice Chair deputises. The panel agrees that a SRA is appropriate for this role but that the SRA for Chair of Planning Committee should be reduced by the same amount to facilitate this. No other reasons for an SRA for the Vice Chair of Planning Committee were submitted to the Panel.

As in 2019, the proposed SRA for Cabinet Members is set assuming seven Cabinet Members (excluding the Leader). If more Cabinet Members are appointed (i.e. eight or nine Cabinet Members), the total proposed SRA for seven Cabinet Members should be divided between them. By way of a worked example to illustrate this, if the SRA for seven Cabinet Members (excluding the Leader) was £9,072 the overall cost per year would be £63,504. Accordingly, if there were eight Cabinet Members the allowance for each Cabinet Member would be £7,938 and £7,056 each if there were nine Cabinet Members.

In considering Dependants' Carers' costs to enable Councillors to attend formal meetings and other approved duties, the IRP has considered the benchmark of the 'Real Living Wage' as this is independently assessed and determined by the Living Wage Foundation. Dependants' Carers' allowance is claimable to re-imburse costs incurred in providing care for children of the Councillor as well as the costs of other dependants of the Councillor.

The IRP recommend that the prevailing HMRC subsistence rates (and qualifying conditions) continue to be adopted by Tendring District Council for its Councillors. The current rates and conditions are as follows (and apply to authorised conferences/events/meetings/visits only):-

Rates are set as follows.

Minimum journey time	Maximum amount of meal allowance
5 hours	£5
10 hours	£10
15 hours (and ongoing at 8pm)	£25

Where a scale rate of £5 or £10 is paid and the qualifying journey in respect of which it is paid lasts beyond 8pm a supplementary rate of £10 can be paid to cover the additional expenses necessarily incurred as a result of working late.

A meal is defined as a combination of food and drink and would take a normal dictionary meaning. Where employees are required to start early or finish late on a regular basis, the over 5 hour and 10 hour rate, whichever is applicable, can be paid provided that all the other qualifying conditions are satisfied.

Qualifying conditions - Benchmark scale rates must only be used where all the qualifying conditions are met. The qualifying conditions are:

- the travel must be in the performance of a members' duties or to a temporary place of work, on a journey that is not substantially ordinary commuting.
- the member should be absent from his normal place of work or home for a continuous period in excess of five hours or ten hours.
- the member should have incurred a cost on a meal (food and drink) after starting the journey and retained appropriate evidence of their expenditure.

A Member can only be reimbursed for a meal once. If the cost of an evening meal or breakfast is reimbursed on an actual basis, because it is included in the cost of an overnight stay, the member would not also be entitled to a benchmark rate in respect of those meals.

The current approved HMRC mileage rates are set out below. They are set by HMRC at a level it considers does not include an element that is taxable. In view of this it is considered appropriate to use the prevailing rate for payments in recompense of costs incurred by Councillors in travel to attend formal meetings and for approved official business of the Council.

Vehicle	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments - cars and vans - 5p per passenger per business mile for carrying another Councillor/officer in a car or van on journeys which are also official business journeys for them.

As a note, the reference to a Municipal Year is a reference to that period between the Annual Meeting of the Council in any two calendar years. As such it usually spans across two financial years. The recommendations are therefore on the basis that the Scheme should apply to that period between the two Annual Meetings and thereby the relevant parts of the two financial years.

4. RECOMMENDATIONS

i. Scheme of Allowances for Municipal Year 2020/21

The Panel recommend that allowances be set as proposed and as originally approved by the Council in May 2019 (as opposed to those subsequently approved in January 2020), with the following changes:

- **Chairman of Planning Committee SRA**

Reduce the May 2019 allowance by £600 to provide for an allowance for the Vice Chairman, recognising that there are occasions when the Chairman cannot legally officiate and the Vice Chairman takes the charring role

- **Vice Chairman of Planning Committee SRA**

Provide an allowance of £600, plus the Member of Planning Committee allowance, recognising the role of Vice Chairman, giving a recommended amount payable of £1500 [at May 2019 rates]

- **Inflationary increase**

Uplift the recommended allowances (except those linked to HMRC/Living Wage Foundation levels), by the same percentage as the headline pay award percentage increases approved by the National Joint Council for local government services.

- **SRAs**

Individual SRA amounts as set out in the summary below.

Allow any Member to claim a maximum of two SRAs for the roles they undertake, recognising the workload of a special responsibility in addition to that of Group Leader

- **Group Leader**

Recognise the responsibilities and workloads of every Group Leader and pay a new allowance to all Group leaders based solely on the number of members in their group. This would ensure the relative sizes of groups is reflected and the overall amount of allowance paid remains constant regardless of how many groups there are. It is recommended that the allowance payable to all Group Leaders from 1 May 2020 should be calculated at £200 for each member in the group.

- **Dependants' Carers' Allowance**

This allowance is to re-imburse costs incurred for care arranged by the Councillor for a dependant (including care for the Councillor's children) to enable the Councillor to attend formal meetings of the Council or other approved official events.

The Panel recommends that this is set at the prevailing rate as adopted by the Living Wage Foundation as its 'Real Living Wage' for outside of London. Currently, the 'Real Living Wage' rate is £9.30 per hour (in 2018/19 this was £9.00 per hour) and the allowance is limited to a maximum of 15 hours per week.

- **Subsistence**

The Panel recommends the prevailing HMRC subsistence rates (and qualifying conditions) continue to be adopted by Tendring District Council for its Councillors. The current rates and conditions are as set out above (and apply to authorised conferences/events/meetings/visits only).

- **Travel Allowance**

The Panel recommends that the prevailing approved HMRC mileage rates (regarded as not including an element that should be taxed).

ii. Scheme of Allowances for 2021/2022 and 2022/23

The Panel recommends that the Scheme proposed for 2020/21 should remain in place until the next scheduled elections of District Councillors for Tendring (until May 2023). In that period it should be adjusted by reference to the headline pay award percentage increase approved by the National Joint Council for local government services.

5. SUMMARY OF PROPOSED ALLOWANCES 2020/2021

Allowances	£*
Basic Allowance	5,556
Leader of the Council	18,900
Cabinet Member (where there are eight or nine Cabinet Members the total allowances for seven Cabinet Members to be divided between them)	9,072
Group Leaders - Amount per Group Member (Groups being defined as per Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 – i.e. they have a minimum of two Members)	200
Chairman – Planning Committee	6,000
Vice Chairman - Planning Committee	1,500
Members – Planning Committee	900
Chairman – Licensing and Registration Committee	2,784
Chairman – Miscellaneous Licensing Sub Committees	720
Members of Licensing and Registration Committees	276
Chairman - Audit Committee	3,900
Chairman – Community Leadership Overview and Scrutiny Committee	3,900
Chairman – Resources and Services Overview and Scrutiny Committee	3,900
Chairman – Human Resources and Council Tax Committee	2,784
Chairman – Planning Policy and Local Plan Committee	2,784
Chairman of the Council	6,348
Vice Chairman of the Council	1,788
Dependants' Carers' allowance (to attend formal meetings/ approved official events) (including care of a Councillor's children)	<i>Real Living Wage</i> (currently £9.30) per hour

*Uplifted by the same percentage as the headline pay award percentage increases approved by the National Joint Council for local government services. Any Member to claim a maximum of two SRAs for the roles they undertake.

Subsistence (subject to HMRC prevailing rates and conditions, currently):

Minimum journey time	Maximum amount of meal allowance
5 hours	£5

Minimum journey time	Maximum amount of meal allowance
10 hours	£10
15 hours (and ongoing at 8pm)	£25

Travel (subject to approved HMRC prevailing rates and conditions, currently):

Vehicle	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger payments - cars and vans - 5p per passenger per business mile for carrying another Councillor/officer in a car or van on journeys which are also official business journeys for them.

A.5 APPENDIX C**SCHEDULE OF ALLOWANCES FOR COUNCILLORS - CURRENT AND AS RECOMMENDED IN THE REPORT OF THE IRP**

(and revised following the Local Government (LG) pay settlement which the IRP recommended should be used as an index for amendments to allowances going forward).

Column A	Column B	Column C	Column D	Column E
	Current Annual Amount	Original IRP Recommended Annual Amount	REVISED IRP Recommended Annual Amount (following LG pay settlement in 08/2020)	Change recommended by the IRP (in the revised proposals compared with the current annual amount)
Basic Allowance	£6,000	£5,556	£5,709	-£291
Chairman of the Council	£6,840	£6,348	£6,523	-£317
Vice-Chairman of the Council	£1,800	£1,788	£1,837	£37
Special Responsibility Allowances				
Leader of the Council	£20,400	£18,900	£19,420	-£980
Portfolio Holder (Cabinet Member)	£9,780	£9,072	£9,321	-£459
Chairman – Audit Committee	£4,200	£3,900	£4,007	-£193
Chairman – Community Leadership Overview and Scrutiny Committee	£4,200	£3,900	£4,007	-£193
Chairman – Resources and Services Overview and Scrutiny Committee	£4,200	£3,900	£4,007	-£193

Chairman – Human Resources and Council Tax Committee	£3,000	£2,784	£2,861	-£139
Chairman – Planning Policy and Local Plan Committee	£3,000	£2,784	£2,861	-£139
Chairman – Planning Committee	£7,140	£6,000	£6,165	-£975
Vice-Chairman – Planning Committee	£1,500	£1,500	£1,541	£41
Members of Planning Committee	£960	£900	£925	-£35
Chairman – Licensing and Registration Committee	£3,000	£2,784	£2,861	-£139
Chairman – Miscellaneous Licensing Sub Committee	£780	£720	£740	-£40
Members of Licensing and Registration Committee	£300	£276	£284	-£16
Leaders of Groups of Councillors (the minimum size of a Group is two Members)	£900/£96 per Group Member	£200	No revision recommended as this is a new allowance scale for 2020	-

Column A	Column B	Column C	Column D	Column E
	Current Annual Amount	Original IRP Recommended Annual Amount	REVISED IRP Recommended Annual Amount (following LG pay settlement in 08/2020)	Change recommended by the IRP (in the revised proposals compared with the current annual amount)
Dependants' Carers' Allowance (up to 15 hrs per week)	£9.00 ph	£9.30 ph		+30p ph
Travel Allowance (cars –up to 10k miles)	45ppm	45ppm		-
Subsistence Allowance	£6 breakfast	£5 (min. journey time of 5hrs)		N/A
	£7.50 lunch (min. 4 hours away from home)	£10 (min. journey time of 10 hours)		

**INDEPENDENT REMUNERATION PANEL FOR THE TENDRING DISTRICT COUNCIL
REVIEW OF ALLOWANCES FOR COUNCILLOR
20 MARCH 2020
INFORMATION REQUESTED BY THE PANEL FOR ITS CONSIDERATION OF THE
SCHEME FOR 2020/21 ETC**

Member allowances (including group leaders and SRA restrictions) for all 11 other Essex Borough/District/City Councils and for Babergh, Mid-Suffolk and Ipswich councils

At this point in time the following table sets out the research undertaken of publicly available information from the Councils referenced:

COUNCIL	Basic	Leader	Deputy Leader	Mayor/Chairman	Deputy Mayor/Vice-Chairman	Chair of Planning Committee
Babergh	£4,916.70	£13,151.88	£979.13	£5,661.26	£3,202.87	£4,916.70
Braintree	£4,827.00	£14,481.00	£12,069.00	£9,258.47		£5,702.24
Brentwood	£5,950.80	£13,086.25	£6,317.50	£3,500.00	£1,000.00	£3,545.83
Castle Point	£3,550.00	£19,081.26	£14,200.08	£6,137.00	£2,888.00	£7,100.04
Chelmsford City	£5,874.00	£23,049.00	£15,210.00	£11,393.25	£3,795.00	£7,605.00
Epping	£3,400.00	£18,881.00	£10,849.00	£11,077.00	£6,976.00	£9,919.00
Harlow	£4,270.00	£6,515.00	£2,059.00	£371.00	£426.00	
Maldon	£4,958.88	£11,044.79	£4,738.92	£4,605.16		
Rochford	£5,000.00	£10,000.00	£7,500.00	£5,000.00	£2,500.00	£2,500.00
Tendring	£6,000.00	£20,400.00	£9,780.00	£6,840.00	£1,800.00	£7,140.00
Uttlesford	£5,151.00	£12,604.70	£6,687.84	£3,863.71	£1,805.30	£3,601.55

Details of the individual schemes were circulated separately for the IRP's consideration.

Average ward sizes (per councillor) in these councils:

At this point in time the following table sets out the research undertaken of publicly available information for the Councils referenced:

Name of Authority	Number of Councillors	Number of Wards	Average electorate per councillor	Last reviewed by LGBC	Electorate at review	Projected Electorate over the following years
Basildon District Council	42	16	3009	2000	126364	130756
Braintree District Council	49	26	2275	2014	111475	116865
Brentwood Borough Council	37	15	1475	2000	54557	55447
Castle Point District Council	41	14	1668	2000	68404	69055
Chelmsford City Council	57	24	2124	2000	121049	125810
Colchester Borough Council	51	17	2560	2015	130550	144964
Epping Forrest District Council	58	32	1611	2000	93439	96677
Harlow District Council	33	11	1775	2000	58576	61781

Maldon District Council	31	17	1435	2000	44487	43426
Rochford District Council	39	13	1708	2015	66625	70792
Tendring District Council	48	32	2339	2018	112258	116000
Uttlesford District Council	39	22	1598	2014	62335	69196
Babergh	32	24	2240	2018	71686	74575
Mid-Suffolk	34	26	2327	2018	79119	82784
Ipswich	48	16	1871	2001	89826	94167

Current average wage per hour in Tendring;
(subsequently the average for Colchester was also requested)

The gross weekly average and average hourly rate for the District of Tendring is noted in the table below together with figures for Colchester, the Eastern Region and the whole of Great Britain.

Earnings by place of residence (2019)

	Tendring (£)	Colchester (£)	East (£)	Great Britain (£)
Gross weekly pay				
Full-time workers	552.5	602.6	610.4	587.0
Male full-time workers	575.0	639.4	659.4	632.0
Female full-time workers	477.0	539.3	537.8	528.9
Hourly pay - excluding overtime				
Full-time workers	13.39	15.39	15.33	14.88
Male full-time worker	13.51	16.12	16.06	15.44
Female full-time workers	12.35	14.51	14.26	13.99

Source: ONS annual survey of hours and earnings - resident analysis

The average (mean/median) hourly rate for staff of Tendring District Council is £12.90.

Confirmation that the minimum legal requirement for renewal of allowances is every 4 years (coinciding with local elections?).

Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires that before the beginning of each year an authority shall make a scheme of allowances for Councillors; covering basic, special responsibility, dependants' carers', travelling and subsistence and co-optees. The scheme may be amended at any time but may only be revoked with effect from the beginning of a year. A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended. Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a

further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme. Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance as amended to apply with effect from the beginning of the year in which the amendment is made. Regulation 13 of the same Regulations states that the scheme shall provide that a person may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.

If possible we would also like to meet with Richard Barrett CFO (before 12 noon). And subsequent to that request:

1) When we set our original Scheme in April 2019 (48 councillors) we were requested to make a budget reduction over the 2018 total (60 councillors). Is there a set budget (or range) that we should be working towards for the 2020 Scheme?

2) We have been told that the amended Scheme voted in recently would be backdated to 1 May 2019 (even though council approved our original Scheme back in May 2019). Is there a reason why the increases are payable for the whole year rather than from the review/amendment date?


The Panel have been advised that, as it currently stands, the Head of Finance, Revenues and Benefits will be attending the Cabinet meeting that morning and so will be unable to commit to attending the IRP meeting that day within the time limit proposed.

In respect of the subsequent question 1), the total budget for Members allowances is £403k in 20/21 – so ideally we would want to ‘contain’ the total cost within that figure. If a recommendation was made that was in excess of that figure we would have to submit it as a cost pressure as part of long term forecast as I assume it would be on-going in nature.

And in relation to question 2), the Council has the power to backdate any changes to allowances (made during a year) to the start of the financial year. As Council approved that backdating of the allowances changes we have to conclude that it considered that it was appropriate to exercise that discretion.

**INDEPENDENT REMUNERATION PANEL FOR THE TENDRING DISTRICT COUNCIL
REVIEW OF ALLOWANCES FOR COUNCILLOR
20 MARCH 2020**

**SUBMISSIONS FROM GROUP LEADERS/INDIVIDUAL COUNCILLORS (IN ORDER OF THE
DATE THEY WERE RECEIVED)**

Submission from	Date of Submission	Submission
Cllr Ivan Henderson, Leader of the Labour Group on the Council (and on behalf of the members of that Group)	28/02/2020	<p>Thank you for seeking submissions for consideration by the Independent Remuneration Panel during their latest review of members' allowances. I am responding on behalf of the Labour Group of TDC councillors.</p> <p>The Labour Group agreed with the recommendations of the IRP in its previous review and is wholly opposed to the decision taken at the February meeting of the council which entirely ignored the IRP's recommendations.</p> <p>It is the opinion of the Labour Group that, having received a 7.5% increase in allowances in May 2019, no further increase was justified in 2020 and no increase would be justified for the year 2020-2021.</p> <p>Furthermore, the Labour Group is totally opposed to the alteration in policy which now allows a member to receive more than one Special Responsibility Allowance and would urge a recommendation from the IRP to revert to the previous arrangement.</p>
Cllr Jayne Chapman, Leader of the Independent Group on the Council	01/03/2020	<p>When the council decided to reduce the amount of councillors from 60 to 48 I am sure most of knew our commitments and work load could and would increase, but at no time did I think that after the increase that was agreed in May would we be expected to vote on another increase. We voted on this increase to reflect any additional work. After being told time and time again that savings were needed I am totally against the proposed increase to allowances. I don't agree to receiving allowances for chairman of committees and then receiving an allowance for group leaders. It should be one allowance only.</p> <p>Allowances should have stayed as voted on in May with perhaps a small increase but no more that what is passed for staff, but preferably allowances should be frozen.</p> <p>Once the IRP has passed their review then this must be set for the whole year with no more increases allowed in that financial year.</p>
Cllr Nick Turner, Chairman of the Planning Policy and Local Plan Committee	03/03/2020	<p>Councillor Turner completed the survey used in 2019 to set out information on the commitments relating to being a Councillor and those roles designated as having special responsibilities.</p> <p align="center"> IRP Questionnaire 2019 - Completed by</p> <p>In addition, he submitted a copy of his speech to Full Council on the 24th November 2016 as he considered little had changed in</p>

that time. The speech is here:

“Good Evening again,

We have 3 choices before us this evening: Accept, Reject or Note.

We will/have hear/heard from some of the hair shirts and Uriah Heeps amongst us. I will give you an alternative view.

The easy way, the lazy way is to accept this report.

This will do little to help let alone improve this Council.

What will help, what will improve this Council is to note this report and propose that the modest SRAs for Planning and the current allowances and SRAs remain as is.

The current mechanism is for allowances and SRAs to rise and fall in line with our Officers increments.

This is fair and reasonable

For we the Councillors are this Council.

Now why do I propose this?

The question should be not be what can we save.

It is what can we bring to the table.

What can we do, say and suggest that will add to the whole that is Tendring and to your Wards in Particular.

I have been lucky, in the previous Council I had the privilege to have 5 Services to give the Political steer and take responsibility for. In that 4 year period my Services brought in in external grants some £xx millions Coast Protection £ Street Scenes £ Horticulture & Bereavements £ Environment £ Sea Fronts £500k in extra spend to Clacton with our first Sea Festival. On top of all this in my last year my Services won 2 Platinum & 5 Gold Medals plus 3 Green Flags and 5 Blue ones.

Now that needed and created a lot of work. In fact I still do a least 50 hours a week and if not asleep and quiet often, when I am, I am available as one of Frinton-on-Sea’s District and Town Councillors.

I have earnt my corn.

The question is what can you bring to the table? How from your political view point are you going to improve, add to our whole?

I always carry a camera. A picture is worth a 1000 words. Give precise location of any problems, flytipping, pot holes pavements run-down buildings, abandoned vehicles, planning issues etc.

Take photos of the issue and also one of its position in the street scene. That saves Officer time and expense in travelling and answering questions. That saves money and enhances efficiency.

Learn, who you exactly need to speak to and introduce yourself, that creates esprit du corps, that increases efficiency and not only your own but it again saves money.

That is how we can earn our corn.

Do remember that our allowances already have a 40% discount built in for Public Service.

It is no good looking back to the past. When you take the Queen’s shilling you get used to the Queen’s shilling.

Under the old Committee system there was much less work and more importantly much less input for and from Cllrs.

We are in a very different world now and with Devolution taking off we will all get lots more responsibility and the attendant work.

		I know my worth. Do not sell yourself short.”
Cllr Zoe Fairley, Vice-Chairman of the Planning Policy and Local Plan Committee	05/03/2020	<p>General Info TDC Ward Councillor for the Stour Valley Ward (which includes Bradfield, Ramsey and Wrabness) Vice Chair for the Planning Policy and Local Plan Committee ECC Local Highways Panel TDC Working Group for Climate Change.</p> <p>Other Info As well as being a District Councillor, I also work full time and am a Tendring business owner and as such, I have flexibility to carry out my work as a District Councillor. Prior to that, I had an employer who was understanding and supportive of my role as a Councillor but of course, I was unpaid for any hours taken during working hours for it. It is vital to have a degree of flexibility and support from the people you work with to be able to stand as a District Councillor and any recompense through the allowances scheme must be sufficient to allow you to carry out the role.</p> <p>Comments on Time and Role Expectation The estimated average time per week carrying out my role would equate to be between one third and half of a working week (based on 40 hours), much of this time is outside of the normal working week, including evenings and weekends. Together with attending meetings, general admin and email and travel time to and from meetings, as a Councillor, it is necessary to spend a substantial amount of time reading documentation related to your role and the work of Full Council. There is a vast amount of paperwork with detailed and often complicated information to absorb. As with any work role, being effective means having a strong understanding of the detail and whether a committee member or other, time must be spent ensuring you are fully prepared. When looking at the time spent by Councillors carrying out their roles, this will of course vary, depending on responsibilities and SRAs are in place to recognise this, over and above the basic Councillor allowance. Although I do not think it could be achieved through the IRP, personally, I believe it would be to the public benefit if there were some form of internal (Politics free) appraisal in place, to measure performance/ understanding/capability for Councillors, together with more training for Councillors, especially in relation to areas of special responsibility, such as Cabinet Members and Committee Chairs.</p> <p>IRP Report Feedback following Decisions of Council on 21 January 2020 My comments in regard to the process, together with the Allowances and Expenses that the IRP will recommend should be payable to Councillors for the Municipal Year 2020/21, and the Allowances Scheme for the current Municipal Year 2019/2020, as approved following the decisions of Council on 21 January 2020 (Minute 81 refers), are as follows:-</p> <p>I believe all Councillors for the Tendring District have a</p>

responsibility to carry out this Council's business in a way which is open and transparent. On reflection, the Full Council decision of 21 January 2020, in regard to the IRP report, did not meet what I feel is the required level of transparency, essential to represent the work of this Authority in a good light. In fact, I felt it fell far short of facilitating informed debate and demonstrating public transparency. Having raised my concerns with my Group Leader, (also Leader of the Council,) I am now confident that steps are being taken to ensure this is avoided in future. However, it is due to this lack of transparency that I have expressed my wish to receive no extra/increased allowance for the current Municipal Year 2019/2020.

This does not mean I disagree with the outcome of that vote which gives increased allowances and SRAs to Councillors. Aside from the increased work level brought about by the Boundary Review, I believe it is crucial for allowances to be set at a realistic level if we are serious about supporting existing Councillors in their work to represent this Authority, respecting the time and input required to be the link between the Council, the public, voluntary, community and private sectors. I also believe it is just as important we take the right decisions to ensure future generations of civic minded, possible candidates feel it is achievable to come forward and represent their communities. For that to be possible and to encourage representation across a broad and inclusive mix of people from our community, it is vital to include those who want to balance work or study with a public service role and remuneration must be at a level which encourages, not hampers that.

Members voting annually on their own remuneration I think causes unnecessary controversy which is of no benefit whatsoever to our residents. It becomes a show for theatre's sake rather sensible and informed debate, often resulting in comments directed toward individuals on a very personal level. It is not an approach I subscribe to as it goes no way to support positive outcomes for residents within our District. I am sure that whether for reasons around transparency or other, such as those who voted Against or Abstained, there will be other Councillors who have also expressed their wish not to accept the increased basic allowance or relevant SRAs for the Municipal Year 2019/2020. I think it would help to avoid these issues moving forward to have future Allowances/Expenses schemes fixed for longer periods and be subject to an appropriate index increase each year within that period (e.g. the pay award for local government staff). I also believe that every Councillor should be obliged to give their individual view to the IRP without exception. Very few Councillors chose to put forward representation to the IRP for the last report, which is to our own detriment – possibly due to it being a 'light touch' review, however, this did not in any way give the IRP any direction, or clear view of opinion across Members to consider for their last report, which did not include what I believed to be the right recommendation for some SRAs.


Following the Full Council meeting of 21 January 2020 the Allowances and SRAs are set out below and changes were made so more than one SRA could be applied to a single Councillor.

- Basic Allowance £6,000 – I agree
- Leader of the Council £20,400 – I agree
- Cabinet Member (where there are eight or nine Cabinet Members the total allowances for seven Cabinet Members to be divided between them) £9,780 – See further comments below
- Group Leaders (with 2 or more members in the Group) – Amount for being a Group Leader £900 amount per Group Member £96 – I agree
- Chairman – Planning Committee £7,140 – I agree
- Vice-Chairman – Planning Committee £1,500 – I agree
- Members – Planning Committee £960 – I agree
- Chairman – Licensing and Registration Committee £3,000 – I agree
- Chairman – Miscellaneous Licensing Sub Committees £780 – I agree
- Members of Licensing and Registration Committees £300 – I agree
- Chairman - Audit Committee £4,200 – See further comments below
- Chairman – Community Leadership Overview and Scrutiny Committee £4,200 – I agree
- Chairman – Resources and Services Overview and Scrutiny Committee £4,200 – I agree
- Chairman – Human Resources and Council Tax Committee £3,000 – I agree
- Chairman – Planning Policy and Local Plan Committee £3,000 – See further comments below
- Chairman of the Council £6,800 – I agree
- Vice Chairman of the Council £1,800 – I agree

Where I have indicated above that I agree with the allowance at the level shown it is because my assessment of the work involved suggests to me that allowance at that level would reflect more fully the time and effort contribution, even after allowing for an appropriate 'public service discount', for that activity by the individual Councillor in that role.

Based on above, further points I would like considered for the 2020/2021 IRP report are:-

- Cabinet Members should not necessarily receive the same, it should depend on the Portfolio.
- Deputy Leader is a role with a higher level of responsibility than Cabinet Member and one where many more meetings and attendances are requisite. This role should have a separate SRA.
- Chairman for Planning Policy and Local Plan Committee should receive a higher SRA in view of the level of work involved in this role.
- Chairman for the Audit Committee should receive a higher SRA in view of the level of work involved in

		<p>this role.</p> <ul style="list-style-type: none"> • The expenses scheme agreed 21 January 2020 but not included within this submission is acceptable. • To try to make a link between the basic allowance and a wage is not the right approach. The basic allowance allows Councillors the time and resource to carry out our roles for our residents and District. It simply does not work to say this amount is comparable to a percentage of an average wage based on an hourly rate of ***. Hours of work outside the normal 9-5 (ie. Overtime for some?), job type and level of responsibility would all need to be taken into account if that approach were to be reasonable. • I have explained my reasoning and thoughts around future Allowances/Expenses schemes having fixed for longer periods and be subject to an appropriate index increase each year within that period (e.g. the pay award for local government staff). • Every Councillor should be obliged to give their view to the IRP without exception to allow the panel to have full view of Councillor opinion. • The principle of more than 1 SRA being claimable is acceptable as long as the role is being carried out effectively. • The clear intention of the basic and special responsibility allowances is to recognise the requirements of those roles. As such, where a Councillor is unable to perform the duties of a Councillor or of the office designated as having special responsibility within the allowances scheme they should, as a matter of course, elect to forgo their entitlement to the allowance or a representative proportion of it. This is not concerning itself with the single case of a non-attendance at one meeting/site visit/training event and more at those who cannot carry out the substantial tasks of the role concerned or a particular task over a prolonged period. <p>I would like to thank the IRP for taking the time to consider my comments which I hope clearly explain my views in relation to the Basic Allowance and SRAs for the Municipal Year 2020/2021 onwards.</p> <p>Should further input via meet or telephone be useful to the panel, I would be happy for this to be arranged.</p>
<p>Cllr Gina Placey</p>	<p>06/03/2020</p>	<p>Councillor Placey completed the survey used in 2019 to set out information on the commitments relating to being a Councillor and those roles designated as having special</p> <div style="text-align: center;">  <p>IRP Questionnaire 2020.doc</p> </div> <p>responsibilities.</p>
<p>Cllr Neil Stock, Leader of the Council</p>	<p>07/03/2020</p>	<p>My response to the IRP is that I am of the view that the allowances scheme is now more or less right and should be left alone until the municipal cycle ends.</p>

and Leader of the Conservative Group on the Council				
Cllr Mick Barry	08/03/2020	Restate my opposition to the whole thing, particularly the SRA changes.		
Cllr Mary Newton, Portfolio Holder for Business and Economic Growth and Leader of the UKIP Group on the Council	10/03/2020	<p>Cllr Newton's submission references Members of the UKIP Group by their first name. The submission is as follows:</p> <p>As far as I am concerned I will follow the majority. I am hoping the Peter, Jim & Nicola will reply themselves as for Alex I know he is happy to go along with the leaders decision .The last discussion I had with Jim he was happy to go with the majority.</p>		
Cllr Alan Coley, Chairman of the Audit Committee and of the Climate Change Working Party	10/03/2020	<p style="text-align: center;">Time Spent on Council Business Report</p> <p>Dear members of the Independent Remuneration Panel, <u>Re: Councillors' Activities & Allowances</u></p> <p>In the six years since becoming a District Councillor I have found that my time spent dedicated to council activity has increased exponentially. This increase has been especially marked since the reduction of councillors from 60 to 48.</p> <p>I have also noted that there is an increased expectation from the public that the District Councillor, because he or she is locally available, can influence many issues outside the responsibility of the council. I assume this is due in part to the shrinking of other services and organisations, during the period of financial austerity.</p> <p>For example, in my ward we no longer have a Police Station, or a Community Policing Team stationed locally. Therefore, many matters which would have routinely been reported to the police are now reported to the local district Councillor. I spend a great deal of time acting as a liaison or negotiator between a constituent and another service.</p> <p>Much of my time is spent in reading correspondence from the District Council. This is essential information and it is important information of which I need to be aware. However, a part of almost every day is now spent reading this material.</p> <p>I also find myself part of various committees and working groups. The preparation and attendance at these groups takes a considerable number of hours each month.</p> <p>The below is a summary of the groups I am connected to. The involvement with other groups outside of TDC, is a direct consequence of being a District Councillor. Because you are a councillor you are approached to assist groups within the community, therefore the two are inseparable.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Alan Coley</td> <td> <ul style="list-style-type: none"> ➤ Councillor Tendring District Council ➤ Chairman of the TDC Audit Committee ➤ Chairman of the Climate Change Working </td> </tr> </table>	Alan Coley	<ul style="list-style-type: none"> ➤ Councillor Tendring District Council ➤ Chairman of the TDC Audit Committee ➤ Chairman of the Climate Change Working
Alan Coley	<ul style="list-style-type: none"> ➤ Councillor Tendring District Council ➤ Chairman of the TDC Audit Committee ➤ Chairman of the Climate Change Working 			

- Party**
- **Member of the TDC Licencing & Registration Committee**
 - **TDC Representative on the General Assembly of the local Government Association**
 - **TDC Representative of the Manningtree Sports Hall Joint Management Committee**
 - **Member of the TDC Licencing and Registration Committee**
 - **TDC representative on the Suffolk Coast & Heaths & AONB Liaison Group**
 - **Member of the TDC Constitution Working Party**
 - **Councillor Bradfield Parish Council**
 - **Member of the Bradfield PC Personnel Committee**
 - **Member of the Bradfield PC Amenities Committee**
 - **Chairman of the Cox & Hales Almshouse Charity**
 - **Chairman of the Leeches Educational Charity**
 - **Director and Chairman of the Lawford Housing Enterprise Trust**

The main detrimental effect of being a councillor, is the time spent away from home and the disruption to family life. There are some weeks when my wife is at home, on her own, for four (sometimes five) evenings or days a week. I endeavour to keep one day a week clear from meetings, but that is not always possible.

Even when attending a meeting during the day or responding to e-mails or other correspondence only lasts for a couple of hours, it has a detrimental effect on the day itself. Planning family time seem always to take second place to council business.

Family holidays can only be planned around the requirement to attend full council meetings.


I have made the effort to record most of the time spent on council matters during February and early March this year. February has not been a particularly busy month and commitments scheduled for later in March will be more onerous (Audit Committee etc.) but the below does provide a flavour of the commitment, which the IRP may find useful.

February 2020

Date	Task/Meeting	Time
01.02.20	Answering e-mails from Council Officers & Constituents	1 hour 30 minutes
02.02.20	Checking for e-mails	15 minutes
03.02.20	Meeting with Monitoring Officer	2 hours 45 minutes
04.02.20	Answering e-mails from Council Officers & Constituents	2 hours 30

			Attending a Parish Council Meeting	minutes
		05.02.20	Attending All Members' Briefing	2 hours 45 minutes
		06.02.20	Chairing the Climate Change Working Party	3 hours 15 minutes
		07.02.20	Liaison meeting with Parish Council Chairman	2 hours
		09.02.20	Answering e-mails from constituents Reading the Budget Report for Full Council	2 hours 1 hour 30 minutes
		11.02.20	Full Council	3 hours
		12.02.20	Constitution Working Party Meeting	3 hours
		13.02.20	Meeting with Council Leader Regarding Motions and Constitution Chairing local Housing Trust	2 hours 2 hours
		15.02.20	Answering e-mails from constituents	2 hours
		16.02.20	Preparing the monthly District Council Report for Parish Councils	3 hours
		17.02.20	Attending a Parish Council Meeting	2 hours 30 minutes
		18.02.20	Answering e-mails from constituents	1 hour
		19.02.20	Completing Actions from Parish Council Meeting Attending All Members' Briefing – Climate Change	1 hour 30 minutes 3 hours 15 minutes
		20.02.20	Attending a Town Council Meeting	2 hours 15 minutes
		21.02.20	Completing Actions gained from Town Council Meeting	2 hours
		23.02.20	Checking for new e-mails Telephone call from constituent	15 minutes 30 minutes
		24.02.20	Checking for new e-mails Reading updates contained in TDC e-mails from officers	15 minutes 1 hour 30 minutes
		26.02.20	Attended the site of a potential Planning Breach Attended a meeting to discuss Section 106 Recreational Provision	1 hour 30 minutes 1 hour 30 minutes
		27.02.20	Attended a meeting re the housing situation of a Constituent Writing letters regarding the above	2 hours 1 hour 30 minutes
		28.02.20	Answering e-mails from Council Officers & Constituents Taking two telephone calls from constituents Attended a Community Tree Planting Event as D/Councillor Accompanied my nominee to the	1 hour 30 minutes 1 hour 3 hours 5 hours

			Pride of Tendring Awards	
		29.02.20	Read and commented on Exec Summary & 20 Appendices (CRWP) Meeting regarding a Housing Welfare Matter	1 hour 30 minutes 2 hours
		71.00 hours		
		Weekend		
		Day Meeting/activity		
		Evening (after 5.30pm)		
		March 2020		
		Date	Task/Meeting	Time
		01.03.20	Writing report for Climate Change Working Party	2 hours 30 minutes
		02.03.20	Attended a meeting with ECC Highways re Traffic Problem Answering e-mails and taking 'phone calls from constituents	2 hours 30 minutes 1 hour 30 minutes
		03.03.20	Attending a site meeting with District Tree Officer Attended a Parish Council Meeting	1 hour 30 minutes 3 hours
		04.03.20	Answering e-mails and tasking 'phone calls from officers Telephone call from constituent	1 hour 15 minutes
		05.03.20	Reading updates contained in TDC e-mails from officers Chairing the Climate Change Working Party Attended a meeting with Head of Planning re local Planning Issue	1 hour 30 minutes 2 hours 30 minutes 1 hour 15 minutes
		06.03.20	Attended PC site meeting to discuss Carbon Capture Project Telephone calls and e-mails regarding a constituent's housing problems E-mail and telephone conversations regarding a Planning Appeal	1 hour 30 minutes 1 hour 1 hour
		08.03.20	Preparing (part of) the monthly District Council Report for Parish Councils Telephone call from constituent	2 hours 30 minutes
		09.03.20	Answering e-mails and reading e-mail update correspondence from TDC Preparing a report for the IRP	2 hours 2 hours
		10.03.20	Completing the monthly District Council Report for Parish Councils	2 hours
		29.50 hours (to date)		
		Weekend		
		Day Meeting/activity		

		Evening (after 5.30pm)
Cllr Delyth Miles	16/03/2020	 TDC IRP Questionnaire 2019 - Councillor Miles completed the survey used in 2019 to set out information on the commitments relating to being a Councillor and those roles designated as having special responsibilities
Cllr Joy Broderick, Portfolio Holder for Independent Living and Leader of the Holland-on-Sea/Eastcliff Matters Group	14/03/2020	<p>In 2013 I became leader of a group of three councillors and received the leaders allowance. I received the Special Responsibility Allowance until in 2016 the IRP decided that leaders of groups under four members would not received the allowance, as the only group of three I lost the allowance. I still continued to do the Special Responsibility(the clue is in the title) job with the additional work and cost involved with out complaint. So yes, I absolutely support our enlightened leader Neil Stock and his views on this allowance.</p> <p>Thank you for reminding me to confirm my opinion. Best wishes Joy</p>

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COUNCIL

15 SEPTEMBER 2020

REFERENCE REPORT FROM RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE OF 17 FEBRUARY 2020 AND RESPONSE AS APPROVED BY THE LEADER ON 24 APRIL 2020

A.6 SCRUTINY OF THE IMPLEMENTATION OF THE NEW WASTE AND RECYCLING COLLECTION SERVICE

(Report prepared by Keith Simmons)

BACKGROUND

On 10 September 2019, the Council considered a motion in respect of the waste and recycling service following the recent move from weekly collection of black refuse sacks from most homes to a fortnightly wheeled bin collection service. The Minute from the Council meeting on 10 September 2019 is set out at Appendix A. Members will see that the motion as approved required a report back to Council following a scrutiny review of the service. The remainder of this report concerns the said scrutiny review and also the response of the Portfolio Holder for Environment and Public Space as endorsed by the Leader to the recommendations from the review.

The scrutiny review referred to was undertaken at the meeting of the Resources and Services Overview and Scrutiny Committee held on 17 February 2020 (Minute 54 refers). At that meeting the Committee was joined by the Council's Street Scene Manager (Jonathan Hamlet) and Councillor Talbot, the Council's Portfolio Holder for the Environment and Public Space, Veolia's Contract Manager (Michael Riches) and Regional Manager (Chris Smiles).

Members of the Committee were aware that in June 2019 the Council had implemented a new waste collection service, changing from a weekly black sack collection (with no restriction on the number of black sacks collected from a property) to a fortnightly 180L wheeled bin service and as such represented a significant service change.

At that meeting the Committee had had before it a Report of the then Corporate Director (Operational Services) which provided information on the following areas:

Planning

- Communications;
- Procurement;
- Property audit and route planning; and
- Service roll out.

Implementation

- Bin delivery;
- Waste and Recycling Collections Veolia;
- Customer support;
- Waste Team; and
- Communication.

Results

- Residual waste;
- Food waste;
- Paper/cardboard;
- Plastic/cans;
- Glass (banks); and
- Recycling rate.

Overview

- Failure to complete collection rounds;
- Difficulty in contacting the Council / Officers; and
- Missed assisted collections / Remote properties.

Learning Points

- Commence the process of evaluating the contract options at an earlier stage;
- Recruitment of the temporary posts to start at an earlier stage, combined with the fixed term contracts being of a longer duration;
- Quicker at feeding operational issues up to the communications and support teams; and
- Reduce the reliance upon the local knowledge held by individual operatives for the collection rounds.

The report is set out at Appendix B for completeness.

Members were given the opportunity to ask questions which were responded to by the Portfolio Holder, the Council's Street Scene Manager and Veolia's Contract Manager and Regional Manager.

Veolia's representatives advised that it had needed to implement revised collection route rounds at the same time as the roll out of the wheeled bin change as the previous collection route rounds would not work under the new arrangements. They reported that under the black sacks scheme a team could collect from 2,000 properties a day and that with wheeled bins that had reduced to 1,300 properties a day.

Members considered the current recycling of plastics through the waste collection service and the impact of contamination of those plastic types with other plastic products or other items. It was reported to the Committee that it was intended to arrange for Members to visit recycling facilities nearby in order to develop the knowledge of Members about the processes involved and thereby enable them to address enquiries from the public and to encourage policy development.

The extent of the increase in recycling rates within 2019/20 was commented upon. In April 2019, prior to the roll out commencing, recycling rates were at 28% and in October (after the roll out) they were at 41%. Figures for November 2019 onwards were not yet available. The Committee asked about the appropriate targets for 2020/21. Notwithstanding that, it was reported that the budget for 2020/21 included an addition £60K of recycling credits for the Council.

Separate figures on recycling rates among those still on the black sack service, for instance those in flats, were not kept by the service. However, the incentive to recycle by limiting waste collection to a fortnightly 180L amount was not there for those households. Some flats had red and green wheelie bins in their communal bin areas following a request to recycle from one or more residents there. In

addition, green canvass carry bags were available for residents in those flats to carry recyclables to the communal bin areas.

Veolia's representatives responded to a question to indicate that if a plastic bottle deposit and return scheme were to be introduced it would have a significant impact on its services. The likely impact would though need to be assessed for each separate contract it had with local authorities.

Glass recycling had increased locally and a question was asked about the provision of further recycling points in response to that increase. The Committee was advised that the whole range of recycling bring sites in the District was to be looked at including options to provide more opportunities on existing or new sites.

In respect of the Council's green waste collection service, the Committee was advised that the amount of waste collected had risen since 2017/18 from 297 tonnes to 3000 tonnes per year and was continuing to grow. Veolia was now introducing a third collection round due to the expansion of the scheme. The charge levied locally appeared to be about right when considering the charges levied elsewhere in Essex and the known movement in those charges in the coming period.

In respect of Clinical Waste, the Committee was advised that the service had been in operation for about one year, although by GBH and not by Veolia. Those self-medicating and who needed to dispose of sharps and dressings with bodily fluid that would be dangerous to add to the general waste would be able to use the clinical waste service provided. Nappies and incontinence pads would normally be able to be disposed of in general waste.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Following discussion it was **RECOMMENDED TO CABINET** that:

a) To note, based on experience locally from the previous major change in waste collection arrangements, this Committee appreciated that the 2019 roll out of the wheelie bins/new waste service was always going to have some pain. However, that pain was more than it should otherwise have been. What contributed to this included:

- Insufficient/overloaded communication channels in to the Council to report problems and timely responses to those enquiries.
- Problems with staffing in the team and particularly recruitment to temporary contract posts.
- The consequences of the route changes implemented by Veolia (the Council's contractor) to accommodate the changed waste collection service.

However, the Committee acknowledges the hard work of Officers to address and overcome those issues and to achieve the current position, which is one the Committee wishes to record as moving positively to the good standard expected. Cabinet is recommended to seek to capture learning from this roll out for the delivery of future major change in service delivery.

b) To request the Portfolio Holder for Environment to write to Essex County Council in an effort to address the continuing issue of the littering from waste being moved

from the waste transfer stations by or on behalf of the Waste Disposal Authority and the related cleansing of that litter on the A120 around that waste transfer station.

c) To consider this Committee's disappointment at the limited statements provided to it as to the Portfolio Holder's future ambition for the service; including improving recycling levels further over the remainder of the contract and to request that a report on this ambition/vision be submitted to this Committee in September 2020.

d) To arrange for the submission of proposals for revised targets for recycling rates in the District for 2020/21, as part of the Council's Performance Monitoring System, to this Committee's meeting on 23 March 2020 (and that comparable recycling rates be reported to the Committee from the other Districts in Essex and any appropriate commentary on the prospect of such rates being achieved in Tendring where the rates are higher than locally).

e) To pursue the stated intention of arranging a site visit for all Councillors to waste and recycling centres as part of developing understanding by Councillors of these activities and this site visit should be organised prior to September 2020.

f) That the clear information should be provided to residents on the recycling processes of material collected from homes in the District, further information be provided on practical waste minimisation measures for residents and that, in time, a summary of the Council's Climate Reduction measures be provided to all households (perhaps with the annual Council Tax Notification).

PORTFOLIO HOLDER'S RESPONSE AND RECOMMENDATION

Response

The responses of the Environment and Public Space Portfolio Holder to the individual recommendations of the Resources and Services Overview and Scrutiny Committee were as follows:-

"(a) I would like to thank the Committee for a thorough and robust review of the roll out of the new Contract. I do think that it is unfortunate that whilst the Committee acknowledges the hard work of officers the actions of a small number of Councillors, and their inappropriate communications with officers has unnecessarily added to the workload faced by officers in rolling out the new contract.

(b) I will certainly pick this up with my Officers and make sure that our concerns are addressed with ECC and request that action is taken to deal with the issue.

(c) I do not recognise this issue, other than as an opportunity to criticise me as portfolio holder for information, I was not asked to provide except in an 'off the cuff' fashion at the Meeting, bearing in mind the subject of the agenda item which was to review the implementation of the new waste and recycling service. I will bring forward in due course an options paper to consider what further measures can be put in place to increase recycling rates, within our Budget parameters.

(d) As has been outlined to the Committee previously comparable statistics are only useful as a guide as there are different arrangements in place and different costs associated with those different arrangements in other Districts and of course

Tendring residents are still getting used to the new arrangements. Revised performance indicators will of course be put in place in due course.

(e) This matter is already in hand and on Tuesday 25 February Damian Williams spoke to me about the requested tour of a Veolia recycling facility. He said it is currently being arranged and invited me to write the invitation to Members when final details are known.

(f) I will be discussing these suggestions with officers.”

Decision of the Leader

In the absence of a meeting of Cabinet in the early period for the Covid-19 pandemic lockdown in the UK, the Leader noted the Resources and Services Overview and Scrutiny Committee's recommendations and endorsed the Portfolio Holder's responses thereto as set out above. That decision was taken on 24 April 2020 and is set out at the following link:

<https://tdcdemocracy.tendringdc.gov.uk/ieDecisionDetails.aspx?ID=4822>

RECOMMENDATION TO COUNCIL

That Council receives and notes the detailed results of its scrutiny review as required by virtue of the motion approved by Council on 19 September 2019, and as set out in this report, together with the responses of the Portfolio Holder for Environment and Public Space to the recommendations arising from the review (as endorsed by the Leader).

**EXTRACT FROM THE MINUTES OF THE ORDINARY MEETING OF THE
TENDRING DISTRICT COUNCIL HELD ON MONDAY 10 SEPTEMBER 2019**

**59. MOTION TO COUNCIL – “REVIEW OF THE IMPLEMENTATION OF THE
NEW REFUSE COLLECTION CONTRACT”**

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

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

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

Councillor Fowler formally moved the motion, and Councillor M E Stephenson formally seconded the motion.

Councillor Fowler then explained the purpose of the motion and gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting. They included that many Members had received complaints and concerns from residents about the implementation of the new refuse collection contract which was a subject that had never been debated at Full Council. She felt that Members deserved an opportunity to air their residents’ complaints and their own concerns on this matter with a view of helping to inform the scope of the Resources and Services Overview and Scrutiny’s review of the implementation of the contract.

Councillor Stephenson then also gave his reasons why the motion should be dealt with at the meeting. They included that it would help Members meet their obligations under Article 2.03 of the Council’s Constitution (Key roles of Councillors) i.e. –

“(ii) Represent their communities and bring their views into the Council’s decision-making process, i.e. become an advocate for their communities;

(iii) Effectively represent the interests of their ward and of individual residents;

(iv) Respond to residents’ enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;”

The Leader of the Council (Councillor Stock OBE) then responded and agreed that the motion should be dealt with at the meeting notwithstanding that in his opinion Councillor Fowler’s motion was contrary to Council Procedure Rule 14(f) (i.e. it was included within the work programme of an overview and scrutiny committee and specifically that of the Resources and Services Overview and Scrutiny Committee meeting for its meeting to be held in February 2020) and should therefore not have been permitted to be included on the agenda for this Council meeting.

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

Councillor Miles addressed the Council on the subject matter of Councillor Fowler's motion.

Councillor Talbot then moved and Councillor Stock seconded that Councillor Fowler's motion be amended to read as follows:-

"That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting as part of that Overview and Scrutiny Committee's minutes."

Councillors I J Henderson, P B Honeywood, Davidson, Clifton, Calver, Porter, M E Stephenson, Griffiths, Scott, Allen, Barry, Miles, Bush, J Henderson, Fairley, Steady, G V Guglielmi, Stock OBE and Fowler all addressed the Council on the subject matter of Councillor Talbot's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Fowler asked that a record of the vote on Councillor Talbot's amendment be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander	Allen	None	Cawthron
Amos	Barry		Morrison
Bray	Bush		Turner
Broderick	Calver		White
Chittock	Casey		Wiggins
Codling	Chapman		
Coley	Clifton		
Fairley	Davidson		
Griffiths	Davis		
G V Guglielmi	Fowler		
V E Guglielmi	Harris		
P B Honeywood	I J Henderson		
S A Honeywood	J Henderson		
King	Knowles		
Land	Miles		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		

Skeels
Stock
Talbot
Winfield

M E Stephenson

Councillor Talbot's amendment was thereupon declared **CARRIED**.

Councillor M E Stephenson then moved and Councillor Bush seconded that Councillor Talbot's motion be amended to read as follows:-

"That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting."

Councillor Stephenson's amendment, on being put to the vote, was declared **CARRIED**.]

The motion, as further amended, on being put to the vote as the substantive motion was declared **CARRIED**.

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

17 FEBRUARY 2020

REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES)

A.1 IMPLEMENTATION OF THE NEW WASTE AND RECYCLING SERVICE

(Report prepared by Jonathan Hamlet)

PURPOSE OF THE REPORT

Overview of the roll out and service implementation of the new waste and recycling service.

INVITEES

Michael Riches; Contract Manager Veolia, who will be in attendance to answer questions.

Councillor Michael Talbot Portfolio Holder for Environment and Open spaces.

BACKGROUND

In June 2019 the authority implemented a new waste collection service, changing from a weekly black sack collection to fortnightly wheeled bin service and as such represented a significant service change.

DETAILED INFORMATION

Planning

Communications

Long before the roll out of the new service a full communications campaign was launched. This initially involved an 8 page information leaflet posted in March/April to all properties in Tendring as part of the council tax leaflet delivery. This was supplemented with advertising on the existing refuse and recycling trucks. Leaflets and posters were delivered to libraries, collection points and parish councils. Posters were placed on bring site banks and at recycling centres along with adverts in the local press. Our website was also updated with the "New waste service" page which contained information and FAQ's along with a list of all the roads in the district, where residents could find out if they were on the new bin service along with the week of delivery. Additional to this information on line forms were developed for authorised side waste applications along with the assisted collection form updated. A program of Facebook posts were also deployed, including boosted social media posts. A prolonged program of GIS mapping was undertaken which forms the foundations for the new tendring portal for online reporting and applications.

Two brand new collection calendars were designed, along with collection day change letters, these were then matched together before being printed and sealed in a polybag in readiness for delivery with the bin.

With an A and B calendar along with day changes over 5 days resulted in 10 combinations of calendar and day change leaflets to be bagged ensuring enough of each combination for the associated delivery day and numbered over 58,000 in total. Collection day change letters were also designed for properties remaining on a weekly black sack collection but still having a collection day change.

Procurement

A brand new fleet of 13 collection vehicles for both refuse and recycling were purchased and delivered to site ready for the start of the roll out, these were then fitted with new adverts promoting waste, recycling, littering and mental health issues and also included an advert designed by a school child following a competition.

20,000 authorised and non authorised stickers were designed and printed in time for the roll out. Additional to the existing stock, over 40,000 recycling containers were ordered, with lead times of 5-7 weeks orders were placed whilst the warehouse was at 100% capacity.

60,000 wheeled bins were procured, with 12,000 delivered to the Weeley site over a 7 day period in May 2019 to provide a buffer stock, these were unloaded by Veolia operative and forklift truck.

60,000 polyethylene food waste bags were procured and delivered to the Weeley site again in May in readiness for the roll out, with each household to receive a roll of 52 food caddy bags to promote the food waste service along with the calendar and day change leaflet delivered with each bin. The foodwaste bags and information leaflet were both supplied in a polybag.

Property audit and route planning

The auditing of all the properties in Tendring started in April 2017, taking over 1 year to complete this was a time sensitive piece of work, as from this the route planning, delivery maps, website information and my tendring portal were all based upon. Once the audit was completed TDC and Veolia carried out a series of integrity testing to ensure properties had been assigned to the correct service, once verified and agreed, the work on amalgamating the front line rounds could begin. The old service had 8 front line refuse and recycling collection rounds whilst the new service has 5 refuse and 8 recycling rounds. Redesigning route maps for a new mode of collection is complex involving computer modelling; not only were Veolia taking into account access restrictions and average time for servicing a wheeled bin, the biggest challenge at this stage was mirroring up the refuse and recycling collections so that they all took place on the same day along with a change in vehicle deployment, so that now all the vehicles are in the same area on collection day which provides a greater degree of robustness if one of the vehicles were to breakdown or need assistance. The round maps also had to ensure that each of the crews had an acceptable level of households to service. The design of new rounds ultimately led to the change in collection days whilst also accounting for the new work practice of collections on Bank Holidays. Once this work was completed by Veolia, bin delivery lists and maps could then be prepared in readiness for the bin delivery contractor.

Service roll out

Officers had been in contact with other local authorities who had carried out similar service changes. The responses were all similar: expect disruption to last at least 6 months and communication is the key.

Veolia as a company have also been involved in service changes and consequently had set aside additional vehicle, operative and overtime resource for this bedding in period to help minimise the disruption. Based upon 5 frontline refuse collection crews operating on a 2 week schedule (A+B calendar) the delivery of the wheeled bins had to be completed over a fixed 10 week period with no leeway as once the bin was delivered the service for that property went live the following week.

Implementation

Bin delivery

The first bins were delivered on Monday 10th June, with on average 1200 bins delivered per day, 5 days per week over a 10 week period with the bin delivery finishing the week before the Clacton Airshow so as to reduce risk of disruption. Summary of the delivery timetable is below:

<u>WEEK 1</u>	<u>Round</u>	<u>Area</u>
MONDAY 10TH JUNE	1A	Clacton
TUESDAY 11TH JUNE	1A	Holland
WEDNESDAY 12TH JUNE	1A	Clacton
THURSDAY 13TH JUNE	1A	Clacton
FRIDAY 14TH JUNE	1A	Brightlingsea
<u>WEEK 2</u>		
MONDAY 17TH JUNE	1B	Walton
TUESDAY 18TH JUNE	1B	Frinton
WEDNESDAY 19TH JUNE	1B	Harwich
THURSDAY 20TH JUNE	1B	Harwich
FRIDAY 21TH JUNE	1B	Lawford
<u>WEEK 3</u>		
MONDAY 24TH JUNE	2A	Clacton
TUESDAY 25TH JUNE	2A	Holland
WEDNESDAY 26TH JUNE	2A	Clacton
THURSDAY 27TH JUNE	2A	Clacton
FRIDAY 28TH JUNE	2A	Brightlingsea
<u>WEEK 4</u>		
MONDAY 1ST JULY	2B	Frinton/Walton
TUESDAY 2ND JULY	2B	Frinton/Kirby Cross/Great Holland
WEDNESDAY 3RD JULY	2B	Harwich
THURSDAY 4TH JULY	2B	Great Oakley/Little Oakley/Ramsey
FRIDAY 5TH JULY	2B	Great Bromley/Ardleigh
<u>WEEK 5</u>		
MONDAY 8TH JULY	3A	Clacton
TUESDAY 9TH JULY	3A	Holland/Clacton
WEDNESDAY 10TH JULY	3A	Clacton

THURSDAY 11TH JULY	3A	Jaywick/ West Clacton
FRIDAY 12TH JULY	3A	Alresford/Frating
<u>WEEK 6</u>	<u>Round</u>	<u>Area</u>
MONDAY 15TH JULY		Kirby le Soken/Kirby Cross
TUESDAY 16TH JULY		Thorpe le Soken/ Weeley
WEDNESDAY 17TH JULY		Harwich
THURSDAY 18TH JULY		Harwich/ Wrabness/ Bradfield
FRIDAY 19TH JULY		Elmstead, Crockleford, Ardleigh
<u>WEEK 7</u>		
MONDAY 22ND JULY		Clacton
TUESDAY 23RD JULY		Clacton
WEDNESDAY 24TH JULY	4A	Clacton/Little Clacton
THURSDAY 25TH JULY	4A	Point Clear/Jaywick
FRIDAY 26TH JULY	4A	Elmstead/Frating
<u>WEEK 8</u>		
MONDAY 29TH JULY	4B	Frinton/Kirby Cross/ Walton
TUESDAY 30TH JULY	4B	Little Clacton/ Weeley
WEDNESDAY 31ST JULY	4B	Harwich
THURSDAY 1ST AUGUST	4B	Mistley/ Bradfield
FRIDAY 2ND AUGUST	4B	Colchester new estate
<u>WEEK 9</u>		
MONDAY 5TH AUGUST	5A	Clacton
TUESDAY 6TH AUGUST	5A	Clacton
WEDNESDAY 7TH AUGUST	5A	Clacton
THURSDAY 8TH AUGUST	5A	Thorrington/ St Osyth
FRIDAY 9TH AUGUST	5A	Great Bentley
<u>WEEK 10</u>		
MONDAY 12TH AUGUST	5B	Kirby Cross/Frinton Wix/
TUESDAY 13TH AUGUST	5B	Tendring/Weeley/Beaumont
WEDNESDAY 14TH AUGUST	5B	Harwich
THURSDAY 15TH AUGUST	5B	Lawford/ Manningtree
FRIDAY 16TH AUGUST	5B	TBC

Specialist delivery contractors JETT were employed to deliver the bins. Consisting of 2 crews each crew had 3 operatives, each crew with a 3.5 tonne lorry. These crews were then piloted primarily by TDC and Veolia operatives. The role of the pilots were to direct the contractors; ensuring that they delivered bins to the correct properties, as it has to be remembered that some areas are a mixture of bins and bags, or properties of multiple occupancy requiring more than the standard 1 bin. The pilots would also ensure that households that had successfully applied for an additional bin were delivered and most importantly that properties were not missed. The use of pilots whilst not always used by all authorities is proven to reduce the amount of missed delivery reports. The use of a TDC officer present as a pilot becomes beneficial when householders either contest the delivery of the bin or ask waste and recycling questions and resulted in reported missed bins of less than 2%.

The council depot at Weeley was chosen as the central storage and loading area for the wheeled bins. On top of the initial stock of 12,000 bins, wheeled bins were delivered to Weeley each day by articulated lorry; normally consisting of 2 deliveries per day. These were unloaded by 2 Veolia operatives and Veolia forklift truck; both of which were on site full time for the 10 week period. Deliveries to households started everyday at 06.30, with the 2 JETT lorries loaded by Veolia forklift, typically each lorry could hold 300 bins and with each round consisting of 1200+ bins, each crew would have to reload during the day at least once.

During the 10 week roll out period, reports of missed bin deliveries were logged, these were then passed over to the contractors to revisit and deliver as part of their contracted duties.

As part of the delivery contract; 2 weeks after the final bin delivery the contractor returned to mop up the bulk of any further missed bin deliveries; this consisted of several hundred but included whole roads which had been missed off the original delivery lists or flats that wanted to change over to the bin service.

Waste and Recycling Collections Veolia

During the 10 week roll out period Veolia were providing both the new and existing waste collection services side by side. This placed increased demand upon Veolia to which Veolia increased their resources with 3 extra refuse vehicles, 3 extra recycling vehicles and 24 extra operatives (loaders and drivers).

During the bedding in period of the new waste service Veolia were unable to complete on all of the allocated collection days; this impacted mainly the recycling rounds, snowballing from Monday works rolling over in to Tuesday and so on and so on, resulting in Veolia working late into the evenings along with Saturdays and occasionally Sundays to catch up. All associated overtime payments remained the liability of Veolia.

During this 10 week period the authority and Veolia continued to work closely together with continuous operational meetings to ensure that both teams were fully aware of operational issues along with customer feedback and that this information was passed on to all the stakeholders. Whilst the bedding in period was extremely busy, both the authority and Veolia management maintained a strong and robust stance over the day to day collections, with a unified attitude towards misconduct and conduct not appropriate for contractors appointed by the authority. As such one of the refuse collection crews were observed undertaking tasks not inkeeping with their contracts and following formal investigation the driver and loaders were all dismissed. Whilst this placed an immediate pressure upon both Veolia to resource and train this crew through agency and pool staff and the authority in the disruption to service this would entail the decision was correct and provided a clear and strong statement to the collection operatives that misconduct would not be tolerated.

Customer support

Contact centre and Environmental admin team deal with missed collections and customer enquiries.

Before the new service roll out an average 74 phone calls and 58 emails per week (March to June) were processed.

During the roll out Peaked 2800 phone calls and 214 emails per week (July)

After the roll out: 590 phone calls and 114 emails (November)

248 phone calls and 115 emails (January)

Extra resource were allocated to the customer support teams with 2 temporary customer support assistants along with an apprentice based in another team within TDC. Additional resource remains in place until August 2020 to assist with customer support.

Waste Team

Including 2 dog wardens the team totalled 6 FTE. Resource made available for 3 FTE additional Officers for the roll out period, however, only able to fill one of these posts; heavy impact upon the team as 2-3 officers required daily for piloting duties. Officers dealt with enquires from public, members, Management Team and MP's; scatter gun approach significantly impacted the ability to resolve issues, plus the day to day job still continued.

Communication

Surge in followers on facebook during roll out period along with increased social media. Comms team proactively replied to comments and questions.

Use of local social media groups to push key messages and information.

Boosted post on facebook ahead of August bank Holiday collections that reached 85,000 people. Total facebook spend £2424.40

TV interviews, FAQ's with local papers, 5 press releases and 2 follow up releases along with numerous comments and statements issued.

Results

September 2019 was the first full month on the new waste service and at the time of this report audited data is available for September and October, with the data compared to the same period in 2018 and are as follows:

	September 18	September 19	Difference (tonnes)	% change
Residual waste	2811.5	2013.9	-797.6	-28.37
Food waste	118.86	340.32	221.46	186.32
Paper/cardboard	340.34	373.66	33.32	9.79
Plastic/cans	96.4	129.06	32.66	33.88
Glass (banks)	128.93	189.41	60.48	46.91
Recycling rate	29.06%	41.83%		

	October 18	October 19	Difference (tonnes)	% change
Residual waste	3038.4	2160.78	-877.62	-28.88
Food waste	180.56	369.1	188.54	104.42
Paper/cardboard	383.80	451.63	67.83	17.67

Plastic/cans	98.34	141.36	43.02	43.75
Glass (banks)	104.83	128.92	24.09	22.98
Recycling rate	27.48	40.49		

Overview

The introduction of the new waste service to the entire district was always going to attract associated disruption and it was planned that this disruption would be for a 6 month period; 3 months for the initial roll out (June 10th to end of September 10th) and a further 3 months bedding in period (September 10th to December 10th). with the final amendments made to the collections in Thorrington at the beginning of December the service has since performed to target.

Three main areas were highlighted during this 6 month period attributing to the disruption:

Failure to complete collection rounds:

More recycling material is being collected than anticipated, consequently Veolia have employed additional resources at their expense; with an extra vehicle, driver and 2 loaders.

Difficulty in contacting the council/Officers:

The authority received a high level of contacts from the public and whilst this was envisaged and extra resources put in place, physical constraints such as the total number of phone lines available to the authority is a critical point. Combined with the lack of interest in vacant posts with only 1 out of 3 of the temporary recycling posts filled for the roll out period attributed to the delays in responding and dealing with customer enquiries.

Missed assisted collections/ Remote Properties:

With the front line collection rounds changing in number and size resulted in a loss of local knowledge from the loaders as they were now collecting from different areas. Provisions were made to minimise this loss of knowledge with the collection crews made up of operatives from all the old rounds but with all the rounds changing combined with an influx of new assisted collections applications, this was one set of customers who had increased disruption. The lack of in cab technology highlights the fragility of a paper based system

As above changing the rounds highlighted individual properties that previously had very bespoke collections which fell by the side as the information was lost between crews and again in cab technology could have reduced the amount of disruption.

Learning Points

- Commence the process of evaluating the contract options at an earlier stage; this could then be combined with including a working party of members which would provide sufficient time and resource for all stakeholders to have an opportunity to provide input into the final contract option.

- Recruitment of the temporary posts to start at an earlier stage, combined with the fixed term contracts being of a longer duration. This would allow the new posts to be filled before the roll out of the service and allow ample time for training and for the officer to find their feet. Offering the contracts for a longer period, possibly 1 year instead of 4 months could attract a stronger field of applicants.
- Quicker at feeding operational issues up to the communications and support teams; this information could then be fed out to customers via social media and other avenues and would reduce the amount of customer contact enquiries.
- Reduce the reliance upon the local knowledge held by individual operatives for the collection rounds; transferring this data on to robust round sheets and technology.

RECOMMENDATION

That the Committee determines whether it has any comments or recommendations it wishes to put forward the relevant Portfolio Holder or Cabinet.

COUNCIL**15 SEPTEMBER 2020****REPORT OF THE MONITORING OFFICER****A.7 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. Earlier this year, the Local Government and Social Care Ombudsman considered a case in relation to a planning enforcement matter. The complaint concerned the stated failure to resolve complaints to the service about a neighbouring development, causing a loss of enjoyment and stress. The Ombudsman found the Council failed to follow its planning enforcement policy and this amounted to injustice. An apology has been given to the complainant together with a modest payment for distress/uncertainty and also for the time and trouble in pursuing the complaint. Modest payments (as determined by the Ombudsman) are in the range £100-£300. An action plan was put in place and has been implemented to avoid a repeat. The Ombudsman's report is available on its website (www.lgo.org.uk).

Planning Enforcement has been the subject of an Internal Audit review, the outcome and recommendations are actively being monitored. Updates are provided to the Council's Audit Committee on previously raised significant issues and further updates on Planning Enforcement will continue to be reported as appropriate.

It was initially intended to report the above to the programmed meeting of Council on 31 March 2020. Due to the national lockdown, and associated restrictions on meetings, in response to the Covid-19 pandemic at the time this meeting was cancelled. In submitting this report to Council now, it can be supplemented by the fact that the Annual Review Letter from the Local Government and Social Care Ombudsman for 2019/20 has now been received. The review letter identifies that in the year in question 28 complaints were determined by the Ombudsman about this Council and five of those were upheld. One of the five was resolved during the consideration by the Ombudsman. A further three were found to involve no injustice to the complainant. The three found to involve no injustice all concerned a single email about a single development and the complaints were from three individual neighbours of that property. The single case where there was maladministration and injustice is the one referred to in the first paragraph above.

This item is submitted for **INFORMATION ONLY**.

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COUNCIL**15 SEPTEMBER 2020****REPORT OF CHIEF EXECUTIVE****A.8 COUNCILLOR OVERTON - NON-ATTENDANCE AT MEETINGS**

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION**PURPOSE OF THE REPORT**

In accordance with Article 2.06 of the Council's Constitution to inform Council that Councillor Overton has exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

EXECUTIVE SUMMARY

The last meeting which Councillor Overton attended was that of the Community Leadership Overview and Scrutiny Committee on 7 October 2019.

If a Councillor does not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualifies them unless the Full Council approves the reason for non-attendance before the end of that period.

That six month period for Councillor Overton would therefore have expired on 6 April 2020.

Prior to that date Councillor Overton's GP certified that she was unwell and that this illness was at a level where she was unfit to work. Furthermore, this would be the case up until 30 April 2020 at the earliest.

On 3 April 2020, and in view of the implementation of the national lockdown in response to the Covid-19 pandemic, the Chief Executive used his powers under Schedule 2 [Responsibility for Council (Non-Executive) Functions] of Part 3 (Scheme of Delegated Powers) of the Constitution which authorises the Chief Executive (under General Matters Principle No.6) to deal with any matter on exceptional grounds of urgency, in such emergency situations to approve the reason for Councillor Overton's non-attendance over the previous, at that stage almost, six months. In making that decision the Chief Executive, having previously canvassed the view of Members, consulted the Chairman of the Council (Councillor Land).

Therefore, as a result of the Chief Executive's decision, Councillor Overton was not disqualified from office on 7 April 2020. Since that time Councillor Overton has still not attended a meeting.

Councillor Overton's GP has certified that she is still unwell and that this illness is still at a level where she is unfit to work. This will be the case up until 30 September 2020 at the earliest. Officers acknowledged the correspondence and provided associated advice including how to view and access remote meetings. No further contact has been received.

The current six month period for Councillor Overton will expire on 6 October 2020.

Council will be aware that it is a requirement under Article 2.06 of the Council's Constitution that if a Member exceeds four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a

committee/sub-committee or as a substitute member of a committee/sub-committee that shall be reported to the next Council meeting.

Therefore, in accordance with the said Article 2.06 I formally report that Councillor Nicola Overton has exceeded four months (since 6 April 2020) without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

RECOMMENDATION(S)

That the contents of this report be **NOTED**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

15 SEPTEMBER 2020

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.8 COUNCILLOR OVERTON - NON-ATTENDANCE AT MEETINGS

None.

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Questions pursuant to Council Procedure 11.2

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

Question One

From Councillor Jo Henderson to Councillor Alex Porter, Portfolio Holder for Leisure & Tourism:

“Please can the Portfolio Holder advise me when the Astro pitch in Dovercourt will be re-surfaced? Concerns have been raised that the current surface is not fit for purpose.”

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