

Public Document Pack

TENDRING DISTRICT COUNCIL

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

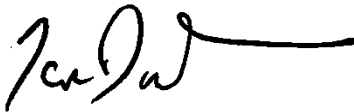
19 April 2021

Dear Councillor

I HEREBY SUMMON YOU to attend the Annual Meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 27 April 2021 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 Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This means that Councillors can 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 Annual Meeting to be held on Tuesday 27 April 2021

1 Apologies for Absence

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

2 Retiring Chairman's Announcements

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

3 Election of the Chairman of the Council for the 2021/2022 Municipal Year

The Council will elect its Chairman for the 2021/22 Municipal Year.

4 Election of the Vice-Chairman of the Council for the 2021/2022 Municipal Year

The Council will elect its Vice-Chairman for the 2021/22 Municipal Year.

5 Announcements by the Chairman of the Council

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

6 Announcements by the Chief Executive

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

7 Size of membership of Committees etc.

The Council will note the size of membership of the Council's Committees and Sub-Committees as follows:-

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(7)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(9)
Licensing and Registration	(9)
Planning	(9)
Planning Policy & Local Plan	(11)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

NOTE: With the exception of the Town and Parish Councils Standards Sub-Committee, the membership of the above Committees and Sub-Committees are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

8 Allocation of seats on Committees and Sub-Committees to the Political Groups formed on Tendring District Council (Pages 1 - 2)

Council will note the allocation to the political groups formed on Tendring District Council of seats on those bodies that are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

9 Appointment of the Membership of Committees etc. for the 2021/2022 Municipal Year (Pages 3 - 4)

In accordance with the wishes expressed by Group Leaders, Council will appoint Members to serve on those bodies that are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

10 Appointment of the Town and Parish Councils Standards Sub-Committee for the 2021/2022 Municipal Year

Council will note that the appointment of Members to serve on the Town and Parish Councils Standards Sub-Committee will take place at the next meeting of the Standards Committee.

NOTE: The Town and Parish Councils Standards Sub-Committee's membership **must** be chosen from the membership of the Standards Committee.

11 Election of Chairmen and Vice-Chairmen of Committees etc. for the 2021/2022 Municipal Year

With the exception of the Town and Parish Councils Standards Sub-Committee, Council will elect the Chairmen and Vice-Chairmen of the bodies listed under Agenda Item 7 above.

NOTE: The elected Chairman and Vice-Chairman of the Resources and Services Overview & Scrutiny Committee must be Members appointed to that Committee who are also members of a Political Group that is not represented on the Council's Cabinet.

12 Report of the Monitoring Officer - A.1 - The Council's Constitution

Members are reminded that, in accordance with Council Procedure Rule 1.1 (xi), it is normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The full text of the Council's Constitution can be found on the Council's website and Members have recently been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors.

RECOMMENDED – That the Council's Constitution be reaffirmed.

13 Reference from Cabinet - A.2 - Programme of Meetings: 2021/2022 Municipal Year (Pages 5 - 12)

The Council will consider the proposed programme of meetings for the 2021/22 Municipal Year.

14 Report of the Corporate Finance & Governance Portfolio Holder - A.3 - Clacton and Holland-on-Sea Cliff Stabilisation Phase 2: Request for Funding (Pages 13 - 22)

To refer to Council, subject to Cabinet's related decision on 23 April 2021, the Corporate Finance & Governance Portfolio Holder's recommendation that Council commits the allocation of funding to the implementation of the proposed remedial work, which will stabilise approximately 200m of the cliff at several locations in Holland-on-Sea for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

NOTE: Cabinet will consider this matter at its meeting to be held on 23 April 2021. The Cabinet's recommendations will be circulated to Members as soon as possible after its meeting on 23 April.

15 Appointment of Member Authority Representatives to serve on/at the General Assembly of the Local Government Association

In accordance with Council Procedure Rule 1.1 (xiv) the Council will 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.

NOTE: Two of the Members appointed must 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 and/or by other Group Leaders.

Date of the Next Scheduled Meeting of the Council

Tuesday, 18 May 2021 at 7.30 pm

Agenda Item 8

AGENDA ITEM 8 – ALLOCATION OF SEATS ON COMMITTEES ETC. TO POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

Following a review carried out by the Committee Services Manager (Ian Ford) and the agreement of the relevant affected Group Leaders, the allocation to the political groups formed on Tendring District Council of seats on those bodies that are subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989) is as follows:-

<u>Committee/ Sub-Committee</u>	<u>CON</u>	<u>HoS</u>	<u>IND</u>	<u>LAB</u>	<u>LIB DEM</u>	<u>TEN 1ST</u>	<u>TEN IND</u>
Audit	3	1	1	0	0	1	1
Community Leadership O & S	4	0	2	1	0	1	1
Human Resources & Council Tax	4	0	1	2	0	1	1
Licensing & Registration	4	1	1	1	0	1	1
Misc. Licensing Sub-Committee	2	0	1	1	0	0	1
Planning	5	0	1	1	0	1	1
Planning Policy & Local Plan	5	1	1	1	1	1	1
Resources and Services O & S	4	0	1	1	1	1	1
Standards	3	0	1	2	1	0	0

Key

CON = Conservative Group

HOS = Holland-on-Sea Group

IND = Independent Group

LAB = Labour Group

LIB DEM = Liberal Democrats Group

TEN 1ST = Tendring First Group

TEN IND = Tendring Independents Group

This page is intentionally left blank

AGENDA ITEM 9 – APPOINTMENT OF COMMITTEES/SUB-COMMITTEE (APRIL 2021)

Committee		Conservative	Holland-on-Sea	Independent	Labour	Liberal Democrats	Tending First	Tending Independents
Audit Committee	7	Alexander Coley Fairley 3	King 1	Steady 1	0	0	Placey 1	Miles 1
Community Leadership Overview & Scrutiny Committee	9	Amos Chittock Skeels +1 TBA 4	0	Davis Steady 2	Davidson 1	0	Clifton 1	Miles 1
Human Resources & Council Tax Committee	9	Amos Chittock Griffiths +1 TBA 4	0	Chapman 1	Calver Morrison 2	0	Clifton 1	M Stephenson 1
Licensing & Registration Committee	9	Coley V Guglielmi McWilliams Skeels 4	Winfield 1	Davis 1	J Henderson 1	0	Knowles 1	Casey 1

Planning Policy & Local Plan Committee	11	Fairley S Honeywood Newton Turner +1 TBA	5	Winfield	1	Chapman	1	I Henderson	1	Scott	1	Allen	1	Bush	1
Planning Committee	9	Alexander Bray V Guglielmi Harris +1 TBA	5		0	White	1	Fowler	1		0	Placey	1	Casey	1
Resources and Services Overview & Scrutiny Committee	9	Bray Griffiths Harris +1 TBA	4		0	Barry	1	Morrison	1	Scott	1	Allen	1	M Stephenson	1
Standards Committee	7	S Honeywood Land Turner	3		0	Steady	1	Fowler J Henderson	2	Wiggins	1		0		0
Miscellaneous Licensing Sub-Committee	5	V Guglielmi Skeels	2		0	Davis	1	J Henderson	1		0		0	Casey	1

ANNUAL MEETING OF THE COUNCIL

27 APRIL 2021

REFERENCE FROM CABINET

A.2 PROGRAMME OF MEETINGS: 2021/2022 MUNICIPAL YEAR

(Report prepared by Ian Ford and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to give consideration to the programme of meetings for the 2021/2022 municipal year.

EXECUTIVE SUMMARY

This report will enable Council to, as required by the Constitution, agree a programme of meetings for the 2021/2022 Municipal Year.

RECOMMENDATION(S)

(a) That the programme of meetings for the Council and Committees, as set out in the Appendix to this report, be approved; and

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

PART 2 – SUPPORTING INFORMATION

BACKGROUND

Further to minute 153 of the meeting of the Cabinet held on 19 March 2021 a proposed programme of meetings is set out as an Appendix to this report. At that meeting Cabinet decided that :-

(a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.5 of the Report of the Corporate Finance & Governance Portfolio Holder, be agreed, in principle, and be submitted to the Annual Meeting of the Council for its formal approval; and

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

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 will normally commence at 7.30 p.m.

Meetings of the Planning Committee and the Planning Policy and Local Plan Committee will normally commence at 6.00 p.m. Meetings of the Planning Policy and Local Plan Committee and the Licensing & Registration Committee (other than the meeting arranged for July 2021) will be arranged as and when required.

Meetings of the Standards Committee will normally commence at 10.00 a.m.

Meetings of the Audit Committee will normally commence at 10.30 a.m.

Cabinet meetings are fixed by the Leader of the Council in accordance with Article 7.08 Cabinet Procedures Rule sub-section 1.1 of the Council's Constitution and therefore the scheduling et cetera may change. The public meetings of the Cabinet listed will normally commence at 10.30 a.m.

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

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

Changes to the Programme made since the Cabinet Meeting on 19 March 2021

Council will be aware that the statutory 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 will expire on 7 May 2021. On this basis, local authorities are preparing for the return to holding meetings in a physical location rather than online. However, a court case initiated by Hertfordshire County Council, Lawyers in Local Government and the Association of Democratic Services Officers is seeking a declaration that the reference in the Local Government Act 1972 to Council meetings being in a 'place' should be read as permitting online meetings. The hearing date for this case is 21 April 2021. The outcome of this case is therefore awaited.

Members will also be aware that the Government's Covid-19 roadmap proposes that organised indoor meetings (e.g. performances, conferences) will be permitted from 17 May 2021, subject to Covid secure guidelines and capacity rules. On this basis, the Government has advised councils to consider the extent to which their meetings can operate on the same basis as other local institutions in their area, taking into account their individual circumstances and requirements. The Government has suggested that any council that is concerned about holding physical meetings should consider resuming these after 17 May 2021, at which point it is anticipated that a much greater range of indoor activity will resume in line with the roadmap. In addition, whilst councils have a legal obligation to ensure that the members of the public can access meetings, the Government is encouraging councils to continue to provide remote access to meetings in order to minimise the need for the public to attend meetings physically until at least 21 June 2021, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the roadmap.

The schedule of meetings identifies two formal meetings in the period to 17 May; Community Leadership Overview and Scrutiny Committee on 10 May and the Planning Committee on 11 May. No formal proposals are made at this stage to change these arrangements. However, discussions with the relevant Committee Chairmen will proceed following the Annual Council meeting. It is hoped that these discussions can benefit from the outcome of the court case on 21 April referenced earlier.

At this stage, it is further envisaged that informal meetings (such as the All Member Briefings) will continue to be conducted remotely; at least until 21 June.

In addition, the date of the Audit Committee meeting due to have been held on 28 October 2021 has been brought forward to 30 September 2021 in order to ensure that the Council can comply with the Government's recently announced deadline for the publication of the Council's finalised Statement of Accounts.

The Programme of Meetings, as set out in the Appendix to this report, has been amended accordingly.

Venues for Meetings of the Council, Cabinet and Committees Etc.

Meetings of the full Council, the Cabinet and the Committees etc. will be held either remotely online via Microsoft Teams (with a live stream to the public via Facebook), or in a physical location (such as at Clacton Town Hall in the Princes Theatre for full Council meetings or in the Essex Hall for Cabinet meetings), or by a combination of the two (the so-called 'hybrid' approach). The actual mechanism by which meetings will be held will be dependent on the prevailing circumstances at the time in relation to the Covid-19 pandemic together with the statutory powers that are available to the Council in relation to the holding of meetings.

Council will be aware that, as part of the "Transforming Tending" project, the Council Offices at Weeley will be closed and the site disposed of, with the departments currently based at Weeley being moved to Clacton-on-Sea. This will obviously mean that the current Council Chamber at Weeley would then no longer be available for Committee etc. meetings.

In preparation for this disposal a phased programme of office accommodation works has been underway for some time at the Town Hall, Clacton-on-Sea. Included within these works is the provision of a new Committee Room within the Town Hall in Clacton and it is currently anticipated that the new Committee Room will be operationally available during the Summer (subject to any Covid-19 restrictions (if any)). At that time a transition of Committee etc. meetings from Weeley to Clacton will take place.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

Programme of Meetings for the 2021/2022 Municipal Year.

This page is intentionally left blank

TIMETABLE OF MEETINGS – 2021/2022 MUNICIPAL YEAR

2021

Body	Time	Day	Date	Notes
ANNUAL COUNCIL (Already agreed)	7.30 p.m.	Tuesday	27 April	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	10 May	
Planning Committee	6.00 p.m.	Tuesday	11 May	
ALL MEMBER BRIEFING	6.00 p.m.	Thursday	13 May	
COUNCIL	7.30 p.m.	Tuesday	18 May	
Cabinet	10.30 a.m.	Friday	21 May	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	24 May	
Planning Committee	6.00 p.m.	Tuesday	8 June	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	16 June	
Cabinet	10.30 a.m.	Friday	18 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	5 July	
Planning Committee	6.00 p.m.	Tuesday	6 July	
Human Resources & Council Tax Committee	7.30 p.m.	Wednesday	7 July	
COUNCIL	7.30 p.m.	Tuesday	13 July	
Licensing & Registration Committee	7.30 p.m.	Wednesday	14 July	
Cabinet	10.30 a.m.	Friday	16 July	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	19 July	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	21 July	
Standards Committee	10.00 a.m.	Wednesday	28 July	
Audit Committee	10.30 a.m.	Thursday	29 July	
Planning Committee	6.00 p.m.	Tuesday	3 August	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	18 August	
Planning Committee	6.00 p.m.	Wednesday	1 September	Note 1
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	8 September	
Cabinet	10.30 a.m.	Friday	10 September	
COUNCIL	7.30 p.m.	Tuesday	14 September	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	20 September	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	27 September	
Planning Committee	6.00 p.m.	Tuesday	28 September	
Audit Committee	10.30 a.m.	Thursday	30 September	Note 8
Cabinet	10.30 a.m.	Friday	8 October	
Human Resources & Council Tax Committee	7.30 p.m.	Wednesday	20 October	
ALL MEMBER BRIEFING	6.00 p.m.	Thursday	21 October	
Planning Committee	6.00 p.m.	Tuesday	26 October	
Standards Committee	10.00 a.m.	Wednesday	27 October	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	1 November	
Community Leadership Overview & Scrutiny	7.30 p.m.	Monday	8 November	

Committee				
Cabinet	10.30 a.m.	Friday	12 November	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	17 November	
Planning Committee	6.00 p.m.	Tuesday	23 November	
COUNCIL	7.30 p.m.	Tuesday	30 November	

Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	13 December	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	15 December	
Cabinet	10.30 a.m.	Friday	17 December	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	20 December	
Planning Committee	6.00 p.m.	Tuesday	21 December	

2022

Resources and Services Overview & Scrutiny Committee	9.30 a.m.	Wednesday	12 January	Note 2
Planning Committee	6.00 p.m.	Tuesday	18 January	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	19 January	
COUNCIL	7.30 p.m.	Tuesday	25 January	

Audit Committee	10.30 a.m.	Thursday	27 January	
Cabinet	10.30 a.m.	Friday	28 January	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	31 January	
Standards Committee	10.00 a.m.	Wednesday	2 February	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	7 February	
COUNCIL	7.30 p.m.	Tuesday	15 February	Note 3

Planning Committee	6.00 p.m.	Wednesday	16 February	Note 4
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	23 February	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	24 February	Note 5
Cabinet	10.30 a.m.	Friday	25 February	
COUNCIL (PROVISIONAL)	7.30 p.m.	Tuesday	1 March	Note 6

Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	14 March	
Planning Committee	6.00 p.m.	Tuesday	15 March	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	21 March	
Cabinet	10.30 a.m.	Friday	25 March	
COUNCIL	7.30 p.m.	Tuesday	29 March	

Audit Committee	10.30 a.m.	Thursday	31 March	
Standards Committee	10.00 a.m.	Wednesday	6 April	
Planning Committee	6.00 p.m.	Tuesday	12 April	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	13 April	
ANNUAL MEETING OF THE COUNCIL	7.30 p.m.	Tuesday	26 April	

2022/2023 MUNICIPAL YEAR

(Provisional dates for early cycles of meetings in 2022/2023 – for information only, subject to change)

Cabinet	10.30 a.m.	Friday	29 April	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	9 May	
Planning Committee	6.00 p.m.	Tuesday	10 May	
ALL MEMBER BRIEFING	6.00 p.m.	Thursday	12 May	
COUNCIL	7.30 p.m.	Tuesday	17 May	

Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	23 May	
Cabinet	10.30 a.m.	Friday	27 May	
Planning Committee	6.00 p.m.	Tuesday	7 June	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	15 June	
Cabinet	10.30 a.m.	Friday	24 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	27 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Monday	4 July	
Planning Committee	6.00 p.m.	Tuesday	5 July	
Human Resources & Council Tax Committee	7.30 p.m.	Wednesday	6 July	
COUNCIL	7.30 p.m.	Tuesday	12 July	

ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	20 July	
Cabinet	10.30 a.m.	Friday	22 July	
Standards Committee	10.00 a.m.	Wednesday	27 July	
Audit Committee	10.30 a.m.	Thursday	28 July	
Planning Committee	6.00 p.m.	Tuesday	2 August	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	8 August	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	17 August	
Planning Committee	6.00 p.m.	Wednesday	31 August	Note 1
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	8 September	
Cabinet	10.30 a.m.	Friday	9 September	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Monday	12 September	
COUNCIL	7.30 p.m.	Tuesday	20 September	

Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Thursday	22 September	Note 7
Planning Committee	6.00 p.m.	Tuesday	27 September	
Cabinet	10.30 a.m.	Friday	7 October	
Human Resources & Council Tax Committee	7.30 p.m.	Wednesday	12 October	
Audit Committee	10.30 a.m.	Thursday	13 October	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	19 October	
Planning Committee	6.00 p.m.	Tuesday	25 October	
Standards Committee	10.00 a.m.	Wednesday	26 October	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	16 November	
ALL MEMBER BRIEFING	6.00 p.m.	Wednesday	14 December	

Notes

1. Meeting scheduled to be held on the Wednesday as the Monday of that week is a Bank Holiday.

2. Meeting arranged to allow the Resources and Services Committee to consider and then formally comment on the Cabinet's Financial Forecast and initial budget and special expenses proposals. Also, to allow the Committee to discuss those proposals with Portfolio Holders. Portfolio Holders are requested to reserve this date in their diaries in the likelihood that the meeting will take place.
3. Meeting of the Council to approve the Cabinet's budget proposals and set the Council Tax but excluding County, Fire and Police Council Tax calculations.
4. Meeting scheduled to be held on the Wednesday due to the Full Council meeting on the Tuesday.
5. Meeting to formally confirm the implications of the County, Fire and Police precepts on the Council's Collection Fund and for each Council Tax band in the parished and unparished areas of the District.
6. Provisional extra meeting of the Council arranged in order to allow the Council to meet and consider the Cabinet's revised budget proposals or the Cabinet's disagreement with the Council's budget objections (which may arise following the Council meeting referred to in note 3 above.)
7. Meeting scheduled to be held on the Thursday due to the Full Council meeting on the Tuesday.
8. Meeting brought forward from the original date of 28 October 2021 that was provisionally agreed by Cabinet at its meeting held on 19 March 2021 in order to enable the Council to meet the Government's revised publication deadline for the final Statement of Accounts which is now 30 September 2021.

ANNUAL MEETING OF THE COUNCIL

27 APRIL 2021

REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.3 CLACTON AND HOLLAND-ON-SEA CLIFF STABILISATION PHASE 2: REQUEST FOR FUNDING

(Report prepared by Ian Ford, based on information provided by Andy White and James Ennos)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To refer to Council, subject to Cabinet's related decision on 23 April 2021, my recommendation that Council commits the allocation of funding to the implementation of the proposed remedial work, which will stabilise approximately 200m of the cliff at several locations in Holland-on-Sea for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

EXECUTIVE SUMMARY

Since February 2020, three areas of cliff in Holland-on-Sea have collapsed or been identified as likely to collapse.

Monitoring of the movement is continuing to take place. Design of remedial measures has been completed and tenders invited. At the time of writing tenders have been received within the allocated budget. Evaluation is ongoing and separate decisions will be made, subject to the decision of Full Council to approve the allocation of the necessary funding. If no action is taken further collapse is likely which will expose the Council to significant reputational, financial and legal risk.

Tenders have been invited, received and assessed. The lowest tender is in the sum of £1,930,212.92. An allocation of funding in excess of this would be prudent to allow for contingencies and potentially increasing material costs.

It is for these reasons that I have submitted a report to the formal meeting of the Cabinet that is due to be held on Friday 23 April 2021 that, inter alia, requests Cabinet to recommend to Council that it approves the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme.

The provisions of the Financial Procedure Rules, as set out in Part 5 of the Council's Constitution and specifically Section 6.15 (Part 5.37) require the approval of Full Council for the use of this reserve. Conventionally the Annual Council meeting does not consider general business. However, in this case I propose that an exception to that convention is accepted in order to enable the Coastal Protection Team to accept the tender for the work as early as reasonably practicable. A timely commencement will maximise the proportion of work that can be attempted during summer weather, reduce the risk of increasing material prices and address urgent stability work more quickly.

Full background, implications and current position information is set out in my report to Cabinet which is appended to this report.

Following the meeting of the Cabinet on 23 April 2021, the Committee Services Manager will circulate, as soon as possible, to all Members of the Council the text of Cabinet's decision on this matter.

RECOMMENDATION(S)

That, subject to its full consideration of the related decision that will be taken by Cabinet at its meeting on 23 April 2021, Council approves the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme.

BACKGROUND PAPERS FOR THE DECISION

Corporate Finance & Governance Portfolio Holder's Report to Cabinet on 23 April 2021.

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

A.3 APPENDIX

CABINET

23 APRIL 2021

REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.2 CLACTON AND HOLLAND-ON-SEA CLIFF STABILISATION PHASE 2

(Report prepared by Andy White and James Ennos)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet authority for a scheme of work to stabilise failed and failing cliffs at Holland on Sea.

To seek Cabinet’s recommendation to Council to use £1.5m currently held in reserves to support the overall funding of the proposed remedial works, which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

Separate decisions will be made in relation to the appointment of a contractor to carry out the work and seeking authority to appoint a specialist engineer to oversee the work.

EXECUTIVE SUMMARY

Since February 2020, three areas of cliff in Holland-on-Sea have collapsed or been identified as likely to collapse. If the stability of these areas is not addressed the collapse will continue to progress putting at risk the public highway and infrastructure within it. Public services and amenity would be compromised.

The Council’s emerging Tourism Strategy sets out a 10 point plan, which includes development of the local seafront offer, with the coast being fundamental to the local visitor economy. Tourism is estimated to be worth more than £402 million to the District, and is responsible for over 8,980 jobs, equivalent to 17.9% of the District’s employment.

The securing of these cliff areas is in line with corporate priorities and criteria set out in the emerging Annual Capital and Treasury Strategy, specifically safeguarding assets reducing risks and seeking to limit future exposure to costs and liability.

Monitoring of the movement is continuing to take place. Design of remedial measures has been completed and tenders invited. At the time of writing tenders have been received within the allocated budget. Evaluation is ongoing and separate decisions will be made, subject to the funding decision of Full Council to appoint a contractor and an engineer to oversee the work.

If no action is taken further collapse is likely which will expose the Council to significant reputational, financial and legal risk. The potential consequences of not addressing the matter are set out in the options appraisal and risk sections.

Tenders have been invited, received and assessed. The lowest tender is in the sum of £1,930,212.92. An allocation of funding in excess of this would be prudent to allow for contingencies and potentially increasing material costs, with a total budget of £2.131m therefore proposed.

That, subject to Cabinet's approval of the proposed remedial works, that it is recommended to Full Council to utilise £1.5m from the existing beach recharge reserve to support the overall funding required to meet the cost set out above

The Council is responsible for around 16km of coastline including cliffs at Clacton, Holland, Frinton, Walton and Dovercourt. Although only three areas are subject to current slippage, all of the slopes are at relatively steep angles. Any future need to carry out structural repairs of these areas would be financially very challenging.

RECOMMENDATION(S)

That the Cabinet:

- a) subject to Full Council agreeing to the allocation of funding, approves the project to stabilise the damaged cliff areas at Holland-on-Sea;**
- b) subject to a) above, approves the inclusion of the cliff stabilisation scheme within the 2021/22 Capital Programme with a budget of £2.131m, to be funded by utilising £1.5m from the existing beach recharge reserve along with the £631k already set aside for this project;**
- c) that subject to a) and b) above, recommends to Full Council to approve the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme;**
- d) instructs officers to seek ways to generate external funding to offset cliff stabilisation costs; and**
- e) approves on-going representations being made to Government in light of recent experiences and the continuing, significant and financial challenges faced by the Council in this area.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's Corporate Plan includes priorities:

- Public spaces to be proud of in urban and rural areas
- Use assets to support priorities
- Maximise our coastal and seafront opportunities

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The earliest date that the funding for the project could be approved by the Full Council in normal circumstances is 18 May 2021. This may lead to an increase in contract costs relating to the period between submission of tenders and the start of the project, with one of the biggest risks relating to the volatile price of steel which makes up a considerable element of the overall project cost. Accordingly, it is proposed that the full Council is requested to agree the funding of the work at the Annual Council meeting on 27 April 2021, given the urgency.

As part of the Financial Performance Report considered by Cabinet at its 19 March 2021 meeting, a budget of £631k was agreed as the initial step in putting in place the necessary funding required for the cliff stabilisation scheme. Early estimates of the total cost of the required works was £4m.

However, following the necessary procurement process, the lowest tender returned was £1,930,212.92, although including proposed revised working methods. The second-lowest tender received was £2,978,906.70. Other tenders received exceeded the estimated costs.

The revised proposal by the lowest tenderer may increase the risk of unexpected costs and the current volatile price of steel could also have an impact from now until the project is completed. With this in mind it is proposed to include a contingency of 10% which would result in a total estimated project cost of £2.123m.

This would leave a funding shortfall of £1.492m after taking into account the existing budget of £631k. To avoid the option of borrowing, which would have a significant on-going revenue impact on the Council's financial forecast, the option of using the existing beach recharge reserve has been explored. The total amount currently held in this reserve is £1.5m and was originally set aside to fund the recharge of beaches following the major coast protection project along Clacton and Holland, which was finished back in 2015. As part of the modelling that was undertaken to support the design of this major scheme, it was expected that the beaches would need to be recharged every 10 years, with the first 10 year anniversary being in 2025. The performance of the scheme in terms of beach retention has been encouraging to date and indicative that a longer beach recharge cycle may be achievable.

Therefore based on the above, it is proposed to utilise the full £1.5m of the reserve to fund the proposed cliff stabilisation scheme. This would therefore provide a total budget of £2.131m which would meet the tendered price plus the 10% contingency.

If the scheme is approved this will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

In terms of exploring potential funding partners, the Coastal Manager has made contact with a range of stakeholders including Essex County Council and the Environment Agency. These organisations have both previously contributed to the major beach recharging project and to the earlier phase of cliff stabilisation in Holland-on-Sea. No offers to contribute to the cost of current repairs have been received.

One of possible reasons being that they would argue that they have previously contributed to schemes in the same area on the basis that their investment would preserve assets. They

may be more reticent to fund works to preserve the same assets in the same area for a second time.

The Annual Capital and Treasury Strategy sets out criteria around capital decision-making.

Options for seeking additional funding at local or national level to facilitate cliff stabilisation measures are therefore limited. Given the current cliff failures and future risks to other areas of the district’s coastline, it would be timely to draw this very challenging issue to the attention of the Government. Given the potential scale / cost of potential further cliff failures, it is important that the Government continue to be made aware of the associated risks not only to the properties of residents and business but also to the Council’s financial position if it had to respond alone to future coastal erosion / cliff failure issues. One of the frustrating aspects of the Governments approach to supporting such works is the cost / benefit formula they apply. Representations to the Government could therefore draw this to their attention in light of the actual rather than potential challenges the Council is facing.

In terms of the use of the beach recharge reserve, this will reduce the available funding to respond to future issues / beach recharge works. Any further areas of cliff requiring significant work or if the beaches need recharging before funds have been replaced would put the Council in a position where borrowing is likely to be required. As highlighted above, significant borrowing would put substantial strain on the Council’s revenue position.

Therefore the use of the beach recharge reserve set aside for beach recharging carries some degree of risk. Sand levels on the beaches vary seasonally. Since the beaches were created there has not been a need to carry out any recharging work. This is encouraging but it cannot be guaranteed that no recharging will be needed in the future. If the reserve is used now and recharging is required later a further funding decision will be necessary at the time. However, on balance, the use of the reserve is appropriate to deal with an urgent issue that the Council is faced with now rather than remaining set aside to meet a potential future cost. In effect the Council would be in no worse position and it would be able to consider and plan for potential future risks within its longer term financial plans over a period that could be 10 years or more.

In addition to the above, it is planned to create a number of additional beach hut sites which will generate additional on-going revenue. This will be considered as part of the financial forecast going forward and how it can support associated costs and risks.

Formal Investment Considerations/Decisions/Business Cases	
Link to priorities (including commitment to be carbon neutral by 2030) and/or ‘safeguarding’ of a Council Asset and what are the measurable benefits of the planned investment	The proposed work will contribute to Council priorities: <ul style="list-style-type: none"> • Public spaces to be proud of in urban and rural areas • Use assets to support priorities • Maximise our coastal and seafront opportunities
Return on Investment/Net Present Value	The proposed works are intended to stabilise a vulnerable area of coastline. Completion of the works will reduce the likelihood of further failure.
Whole Life Costing/Revenue	
Consequences	
Payback Periods	
Key risks and how they will be managed	

Alternative Options/Opportunity Costs	Not completing the works would leads to ongoing collapse, loss of greensward, footway and eventually the carriageway.
Sustainability	
Financial Resources Available/Funding Options	
Impact assessment where relevant	
Capacity/Deliverability	Further financial considerations are set out elsewhere in this report.
Capacity/Deliverability	A further report on this agenda seeks authority to appoint a specialist engineer to verse the work.
Other considerations/important information to discuss/share with relevant internal department(s) and/or for inclusion in the formal decision making process if significant	
Cash Flow Forecasts	Expenditure is likely to take place over several months. VAT will be recoverable through standard accounting practice.
VAT Arrangements/Implications	
Insurance issues	The work is intended to reduce the Council's exposure to potential losses and claims.
Risk Management implications	
Procurement processes	The work has been fully competitively tendered. The lowest tender includes a saving made possible by a slightly different working method proposed.

Risk

If the Council elects not to carry out this project, the collapse of the cliff will continue over time until the soil reaches its natural angle of repose. Without the proposed drainage this will be a shallower angle than would be the case if the work is completed. The current failure is manifested in the form of a sheer exposed face adjacent to the upper promenade. Failure to carry out remedial work will lead to further slippage and will cause the loss of upper and lower promenades and effect the highway and infrastructure in it. This would lead to significant reputational damage and potential claims from other bodies and adjoining owners.

If this failure is not addressed a further series of failures would cause damage to the surrounding infrastructure including Essex County Council road and possibly Anglian Water sewer (estimated value in excess of £50M). Diminution of nearby property values would probably be caused.

LEGAL

Caselaw under section 120 of the Local Government Act 1972 provides that the Council should manage its assets for the benefit of the area.

If this failure is not addressed a further series of failures would cause damage to the surrounding infrastructure including Essex County Council road and possibly Anglian Water sewer (estimated value in excess of £50M). Diminution of nearby property values could probably be caused.

Tendring District Council is the landowner and Coastal Defence Authority. If it elects not to address the failure of its own infrastructure it is likely to be found liable for any damage or loss caused.

Financial Procedure Rules set out in Part 5 of the Council’s Constitution, Section 6.15 (Part 5.37) states:

- (c) **Council** may approve a supplementary estimate up to any amount for General Fund or Housing Revenue Account. However Council must be advised if any decision is likely to result in the Council’s agreed minimum working balance not being maintained for the current financial year and the length of the Council’s approved financial strategy. In the case of the Housing Revenue Account, Council must be advised if any decision is likely to result in the Revenue Account balance being in deficit over the same period.

For this reason there is a requirement for the Cabinet to seek Full Council’s approval to use the Beach Recharge reserve to fund the Cliffs Stabilisation scheme.

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	– No direct implications
Equality and Diversity	– No direct implications
Health Inequalities	– No direct implications
Area or Ward affected	– St Bartholomew’s and St Pauls Wards
Consultation/Public Engagement	– Liaison with affected beach hut owners
Net Zero Emissions	– The construction work will use heavy plant and construction materials but will not generate emissions in use. Intervention at this stage will decrease the likelihood for the need for additional works in the future.

BACKGROUND

Since February 2020, there have been two slips/failures: one in the vicinity of the Cliff Road - Kings Parade junction and another at the York Road - Kings Parade junction. They are approximately 120m apart (centre of slip area to centre of slip area). A further 40m area of unstable Cliff has also been identified at the Russel Road - Kings Parade junction.

Ground investigations have been carried out which includes deep boreholes installed at both locations and water monitoring standpipes to allow information relating to the water levels within the ground, this information will allow us to carry out the design of remedial works. Inclinometer tubes have also been installed outside the current failure zone, these have shown that further movement is occurring. The monitoring of the movement is continuing to take place.

In the interest of safety a total of 13 beach huts have been moved.

The project team had originally identified potential costs of £4m, for the implementation of proposed remedial work which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

CURRENT POSITION

The vegetation has been cleared from the cliff under the instruction and supervision of an Ecologist. The clearance of vegetation has identified evidence of historic slips within the cliff face.

This area of the cliff between Cliff Road and York Road is considered to have significantly low factors of safety against failure. Further movement is likely. Past movement can be identified and confirmed by the evidence of past interventions now visible post clearance of vegetation. Due to this historic movement, there is a small margin for change before movement can re-occur. Therefore the risk is high.

The primary factor that may cause further movement is considered to be any increase in groundwater level, which is the primary cause of the failure originally occurring. Therefore, given that it can reasonably be anticipated that there will be wet weather over the autumn/winter months there is a very real risk that the progressive failure referred to above will take place at that time.

Should there be further movement before an area is stabilised the cost of the works will increase as a result.

The detailed design to stabilise these areas of the cliff opposite is now complete, Tenders have been returned, the lowest significantly lower than anticipated owing to a revised working method proposed. The analysis of tenders is ongoing. The proposed revised method includes increased risk of un expected problems and an increased contingency would be appropriate

The designs for all the areas consist of a combination of sheet piled walls, ground anchors, and new drainage systems. The new sheet piled walls and ground anchors allow the cliff gradient to be reduced to the angle of repose, the natural angle at which the soil will be stable on its own. This also creates additional space (platform) which can be utilised for beach huts. The new drainage will reduce the likelihood of ground water building up and causing further premature failure.

The construction of the proposed remedial works is relatively consistent along the full length of the affected area. Therefore it is possible to phase their installation to concentrate on the higher risk areas first, given the consequences identified above.

The implementation of remedial work which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

Options:

Do nothing.	Not feasible. Left unresolved the cliff will continue to slip downwards over a period of years until it reaches its natural angle of repose: Around 18 degrees, roughly 1 in 3. Material will be deposited on the lower promenade and beach. The beach huts, upper promenade and greensward will be lost. The carriageway and utilities below will be jeopardised. There is substantial potential for third party claims and reputational and environmental damage.
Managed retreat	Not feasible. As above but clearing debris from the lower promenade and rebuilding the footway would

	limit damage in the short term but end up as above following the expenditure of sums on intermediate work.
Regrade the slope to a natural angle	Not recommended. Significant cost would be incurred in excavating and removing soil to tip. The greensward would be lost and footway largely impossible to retain. A fully stable angle could not be achieved without affecting the road.
Proposed scheme	Recommended. Significant cost but retains greensward, footway, provides potential for additional beach huts and avoids potential third party claims.
Proactive investment along cliff slopes	Not recommended. Advantages as above but the capital cost would be prohibitive.

BACKGROUND PAPERS FOR THE DECISION

None
