



RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

DATE:	Monday, 1 February 2021
TIME:	7.30 pm
VENUE:	Council Chamber - Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor M Stephenson (Chairman)	Councillor Codling
Councillor Scott (Vice Chairman)	Councillor Griffiths
Councillor Allen	Councillor Harris
Councillor Barry	Councillor Morrison
Councillor Bray	

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

For further details and general enquiries about this meeting, contact Keith Simmons Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686580

DATE OF PUBLICATION: Saturday, 23 January 2021

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 22)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Thursday 14 January 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 Questions on Notice pursuant to Council Procedure Rule 38

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

5 Report of the Head of Housing Growth at Essex County Council. - A.1 - Developing an ECC housing strategy (Pages 23 - 36)

To provide an update to the Committee on the progress to develop and Essex County Council Housing Strategy. The attached material was presented to the County Council's Place Services and Economic Growth Policy & Scrutiny Committee on 21 January 2021. This item has been included to assist the Committee to frame its discussion of the matters at item 6.

6 Report of the Assistant Director for Housing and Environment. - A.2 - Update on Housing. (Pages 37 - 40)

To examine the intended Housing Acquisition Strategy – to assess right to buy numbers, values, type and age of housing and impact on the risk appetite for Council house building. Plus to consider the progress deliberations around a Pension Provider providing a lease-back housing development. The meeting will also examine the use of Community Infrastructure Levy/section 106 funds to provide facilities/services and infrastructure.

In addition the report also provides an update on the councils voids position.

7 Report of the Leader of the Council. - A.3 - Priority of actions 2021/22 and monitoring delivery of those actions. (Pages 41 - 58)

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

8 Report of the Corporate Finance & Governance Portfolio Holder. - A.4 - Protocol for Cabinet and Overview & Scrutiny Roles. (Pages 59 - 106)

So the Committee can review the report of the Corporate Finance & Governance Portfolio Holder to Cabinet in relation to the approval of the draft Protocol for Cabinet and Overview and Scrutiny roles, which has been produced following consultation undertaken with the Chairman of the relevant Committees and Portfolio Holders for recommendation onto the Overview and Scrutiny Committees and full Council for adoption and incorporation into the Council's Constitution.

9 Scrutiny of Proposed Decisions (Pages 107 - 110)

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee will review any new and/or amended published forthcoming decisions relevant to its terms of reference and decide whether it wishes to enquire into any such decision before it is taken.

Matters may only be raised on those forthcoming decisions at Committee meetings where the Member has notified the Committee Services Manager in writing (or by personal email) of the question they wish to ask, no later than Midday, two working days before the day of the meeting.

10 Recommendations Monitoring Report (Pages 111 - 124)

To present to the Committee the updated Recommendations Monitoring Report, outlining any recommendations the Committee have sent to Cabinet. The Committee is requested to consider the report and determine whether any further action is required on the recommendations submitted.

11 Review of the Work Programme (Pages 125 - 136)

To present to the Committee a draft detailed Work Programme 2020/21, to consider the detail and ordering of the Work Programme.

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON THURSDAY, 14TH JANUARY, 2021 AT 9.00 AM
THE MEETING WILL BE HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392. LINK TO LIVE STREAM AVAILABLE VIA
[HTTPS://WWW.TENDRINGDC.GOV.UK](https://www.tendringdc.gov.uk)**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Bray, Codling, Harris and Morrison
Also Present:	Councillor Carlo Guglielmi (Deputy Leader of Council; Portfolio Holder for Corporate Finance & Governance; Deputy Leader of Conservatives Group), Councillor Paul Honeywood (Portfolio Holder for Housing), Councillor Lynda McWilliams (Portfolio Holder for Partnerships), Councillor Mary Newton (Portfolio Holder for Business & Economic Growth), Councillor Alex Porter (Portfolio Holder for Leisure & Tourism), Councillor Neil Stock OBE (Leader of the Council; Leader of the Conservatives Group) and Councillor Michael Talbot (Portfolio Holder for Environment & Public Space)
In Attendance:	Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Michael Carran (Assistant Director (Economic Growth and Leisure)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Karen Hades (IT Training Officer), Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections)), Jonathan Hamlet (Street Scene Officer), Anastasia Simpson (Assistant Director (Partnerships)) and Andy White (Assistant Director (Building and Public Realm))

112. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Griffiths (with no substitute).

113. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on Monday 3 December 2020 were approved as a correct record and were then signed by the Chairman.

114. DECLARATIONS OF INTEREST

Councillors Allen and Stephenson each declared an interest for the public record in regards to agenda item 5 (A.1 – Updated Financial Forecast/Budget 2021/22) as their businesses had received grant funding through the Council under the national support scheme for businesses.

Councillors Barry and Scott each declared an interest in the same item as Charities that they were associated with had likewise received financial support from the Council.

115. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

**116. REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO
HOLDER. - A.1 - UPDATED FINANCIAL FORECAST/BUDGET 2021/22**

The Committee received the details submitted to the Cabinet on 18 December 2020 in relation to the updated financial forecast and proposed budget position for 2021/22. In particular, the Committee was advised as follows:

- A 'live' 10-year forecast was maintained and reported to Members throughout the year.
- The most up to date position in December each year was translated into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee.
- As part of maintaining a 'live' forecast, this report 'built' on the last position that was presented to Cabinet on 13 November 2020.
- Despite the challenging financial and economic environment, confidence in the long term approach to the forecast remained, which was supported by the forecast risk fund. It is also worth highlighting that the managed position in terms of reserves continued to enable the Council to respond to exceptional events such as the COVID 19 crisis.
- At this stage of the budget process, there was a net deficit of £1.647m forecast in 2021/22, an improvement of £0.128m compared with the £1.775m deficit reported to Cabinet on 13 November 2020. Therefore, the forecast remained within the financial boundaries set out in the long-term plan.
- Although subject to potential changes over the remaining budget-setting period, the current forecasted deficit of £1.647m would be met by drawing money down from the forecast risk fund.
- At the time of finalising this report, the Local Government Finance Settlement for 2021/22 had yet to be announced. They would be included in the figures that would be presented to Cabinet in January 2021 when it considered its final budget proposals for recommending to Full Council in February 2021. The budget included a council tax levy increase of £5, with this level of increase expected to be confirmed as allowable as part of the finance settlement announcements. No revenue support grant had been included in the budget for 2021/22, but similarly to the late announcement last year, the Government could provide some funding again next year, especially when reflecting on the financial impact of COVID 19 on Local Authorities.
- Once the final position for 2021/22 was determined, the remaining years of the 10-year forecast would be revised, set against the budget position for 2021/22 and would be reported to Members later in the budget setting process.

In addition to the above, the Committee was advised of the following in respect of reserves, provisions and one-off sums for specific projects:

RESERVES

Current Budget 20/21

	Balance 31 March 2020	Contributions From	Contributions To	Estimated Balance 31 March 2021
	£		0	£
Earmarked Reserves				
Revenue Commitments Reserve	11,257,870	(10,175,320)		1,082,550
Capital Commitments Reserve	3,793,110	(3,793,110)	13,820	13,820
Forecast Risk Fund	3,253,000	(393,240)	393,240	3,253,000
Asset Refurbishment / Replacement Reserve	1,269,288			1,269,288
Beach Recharge Reserve	1,500,000			1,500,000
Benefit Reserve	999,790			999,790
Building for the Future Reserve	2,609,750	(1,370,940)		1,238,810
Business Rate Resilience Reserve	1,758,422			1,758,422
Commuted Sums Reserve	389,402	(28,000)		361,402
Crematorium Reserve	154,252			154,252
Election Reserve	0		30,000	30,000
Haven Gateway Partnership Reserve	75,000			75,000
Leisure Capital Projects Reserve	124,000		50,000	174,000
Planning Inquiries and Enforcement Reserve	99,000	(20,000)		79,000
Residents Free Parking Reserve	221,000			221,000
Section 106 Reserve	1,388,673			1,388,673
	28,892,557	(15,780,610)	487,060	13,599,007
Uncommitted Reserve	4,000,000			4,000,000
Total Reserves	32,892,557	(15,780,610)	487,060	17,599,007

Funded Projects / Initiatives List

List Includes both Revenue and Capital Budgets

Item	Budget 20/21
Business Investment and Growth Projects	1,585,530
Starlings and Milton Road Development	1,556,380
Garden Communities – Tendring-Colchester Border	1,300,000
Rural and Urban Infrastructure Fund	1,184,310
Back to Business Initiative	

	862,000
Community Housing Trust Grant Supported Projects	628,010
Clacton Leisure Centre - Spa and Wetside Re-development	521,480
Tending Community Fund	500,000
Housing in Jaywick Sands	464,230
Office Rationalisation	355,100
Climate Emergency Initiatives / Energy Efficiency Schemes	313,450
Future High Streets Fund	306,790
Planning Improvement Projects	258,380
Additional enforcement activities	249,000
Clinical Commissioning Group Wellbeing Hub	245,000
Beach Hut/Seafronts Investment Plan	208,810
Clacton Multi-Storey Car Park Repairs	180,000
Health and Safety Programme of Activities	165,000
Clacton Town Centre Fountain	159,080
Laying Out Cemetery Works	154,650
Empty Homes Initiatives	152,220
Digital Transformation Projects	129,340
European Union Exit Preparation	126,410
Housing Early Intervention Officer - 3 year fixed term post	100,000
Public Health - Improvement Projects	94,580
Private Sector Innovation & Enforcement Grant	85,360
Martello Tower Repair Works	83,580
New Beach Huts	64,600

2 One year fixed term posts to support improvements to the overall appearance of the district	44,000
Public Convenience Works	40,000
Princes Theatre Toilets	40,000
Street Lighting Upgrade Project	35,570
Green Waste Service Improvement Projects	28,780
Total	12,221,640

EXTERNALLY FUNDED PROJECTS

Item	Budget 20/21
Jaywick Sands Commercial Units	2,000,000
Celebrating 150th Anniversary of Clacton	250,000

OTHER PROJECTS

Item	Budget 20/21
Freeports	n/a
Building Council Homes	n/a
Environmental Health Officers to Respond to Brexit requirements at Harwich Port	n/a

The Committee thereupon undertook its scrutiny of the Financial Forecast / Budget Proposals for 2021/22.

Prior to the meeting, questions that the Committee Members had raised had been circulated to the relevant Cabinet Members and Officers in order to enable responses to be provided. Those questions and responses form the Appendix to these Minutes.

Members of the Cabinet, accompanied by the appropriate Management Team Member or other Senior Officer, attended the meeting in turn and assisted the Committee in its enquiry of the matters put to them in respect of the budget position and allocation of funds.

Having considered all of the information that had been provided it was **RESOLVED** that the **CABINET** be **RECOMMENDED** that:

- (a) In respect of future outturn positions on the Council's annual budget, to allocate as a priority any available underspend following permitted carry forwards to extend further the measures to achieve the Back to Business Agenda of the Council.

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- (b) Further to (a), to establish a Business Roundtable for the District as part of the Back to Business Agenda and to inform that Agenda going forward.
 - (c) To reassess all the current reserves, provisions and one off sums allocated by the Council to determine whether they were still required, relevant to the Council's Corporate Plan and the associated sum was at the appropriate level and:
 - (i) to re-allocate sums such as those for the Clacton Town Centre Fountain and Residents Free Parking (where the cost has been incorporated in the base revenue budget) to more closely align with the Corporate Plan priorities of the Council.
 - (ii) to identify the specific intentions for the £1.585M for Business Investment and Growth Projects reserve or otherwise look to reallocate that reserve.
 - (iii) To allocate a further £56k to resourcing public realm improvements across the District (supplementing and extending the £44k set aside to fund '2 One year fixed term posts to support improvements to the overall appearance of the District') thereby allocating a total of £100k to this initiative in total.
 - (iv) From the reallocation process, and in recognition of the additional £110k in recycling credits achieved by the Council in 2020/21, to identify £10k to improve recycling bring sites operated by the Council in the District to improve the attractiveness of those sites, signage at and to those sites and thereby further encourage their use and address relevant issues at those sites.
 - (d) To request that proposals for use of the Tendring Community Fund be developed swiftly so that these can be put in front of a meeting of the Portfolio Holder Working Party on the Tendring Community Fund without delay.
 - (e) To identify whether existing funding in the revenue budget and reserves, provisions and one-off sums enables the Council to support measures adequately to address the mental health needs of the local population as we ultimately come out of covid-19 pandemic restrictions and if this is found to be insufficient to look to providing funding to achieve this.
 - (f) To pro-actively assess and monitor the resources required to deliver a dynamic and expansive Tourism Strategy for the District (and the Year 1 delivery plan to accompany that Strategy) to maximise the advantage to the District as soon as covid-19 pandemic restrictions are lifted and extending beyond the normal summer season.

It was further **RESOLVED** that:

- (a) The work underway in respect of 'auditing' one off sums and the schemes they are intended to fund and to review progress with this at the March meeting of the Committee. That this review should include details of the original decision to allocate the funds and an assessment as to whether the scheme is on target to be delivered.
- (b) The receipt, allocation, timing and use of section 106 funds to support community infrastructure associated with development in the District be reviewed by the Committee as part of its work programme.

- (c) The Chairman of the Committee is requested to urge the Portfolio Holder for the Environment to undertake further efforts with Essex County Council and Highways England to secure a good level of cleaning on the A120 and A133 in view of the extensive uses of those roads and the impression given to visitors that litter is acceptable from the current level of rubbish alongside those roads.
- (d) That the Community Leadership Overview and Scrutiny Committee be invited to consider the mental health support to residents referenced above in recommendation to the Cabinet (e).

117. REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER. - A.2 - HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2021/2022

The Committee received the report submitted to Cabinet on 18 December 2020 on the HRA Budget for 2021/22 including the movement in Housing Revenue Account (HRA) Balances, the level of fees and charges for 2021/22 and the HRA Capital Programme. In particular, the attention of Members was drawn to:

- Only limited changes to the HRA budget were proposed in 2021/22, pending a longer-term review of the HRA business plan during 2021.
- 2020/21 was the first year that the Government allowed rents to be increased following a 4-year period where they were required to be reduced by 1% each year.
- In-line with rent setting guidance issued by the Regulator for Social Housing, rents are proposed to be increased by the Consumer Price Index plus 1% in 2021/22 (a 1.5% increase) to continue the recovery from the 4 years of rent reductions mentioned above.
- The average weekly rent proposed for 2021/22 is £84.10 (£82.42 in 2020/21)
- Although the above increase in rents generates additional income of £0.193m, other changes to the budget have more than offset this position with an overall deficit of £0.012m forecast for 2021/22.
- It was proposed to fund this relatively small deficit by drawing money down from the HRA General Balance, which was estimated to total £5.257m at the end of 2021/22 after taking into account this adjustment.
- The proposed HRA Capital Programme for 2021/22 totals £3.457m and continued to provide for a range of schemes and projects.
- The Capital programme included a revenue contribution of £0.281m to support new build and acquisition projects. This on-going budget could either support the direct cost of projects within the capital programme or meet the borrowing costs that were likely to be required to deliver the 200 new properties the Cabinet had committed to provide.
- Relevant matters in respect of the potential to fund an increase in the level of borrowing required to deliver the new build projects at the speed and scale committed to.
- The HRA general balance was forecast to total £5.257m at the end of 2021/22, which retained a strong financial position against which the HRA 30 year Business Plan could be further developed.
- 'Old' HRA debt continued to reduce year on year as principal is repaid with a total debt position at the end of 2021/22 forecast to be £36.777m (A reduction of £1.664m compared with the figure at the end of this year).

The Committee thereupon undertook its scrutiny of the HRA Budget Proposals for 2021/22.

Prior to the meeting, questions were submitted to the Housing Portfolio Holder in respect of the HRA and these are set out in the Appendix to these Minutes together with the responses provided.

The Housing Portfolio Holder, Councillor P B Honeywood, accompanied by the appropriate Senior Officer, attended the meeting and assisted the Committee in its enquiry of the matters put to him in respect of the HRA budget position.

Having considered all of the information that had been provided and acknowledging the measures to address the costs to the Housing Revenue Account of unrented Council housing ('voids'):

It was **RESOLVED** that **CABINET** be **RECOMMENDED** to set a target level for reducing void periods in 2021/22 in the housing stock with a view to providing specific focus to those measures.

The meeting was declared closed at 2.45 pm

Chairman

APPENDIX A TO THE MINUTES

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE
14 JANUARY 2021

BUDGET SCRUTINY QUESTIONS OF PORTFOLIO HOLDERS

Each Portfolio Holder was asked to address the Committee on the relevant sections of the budget and the extent to which the budget (including one off provisions and reserves) met the needs of the service in 2021/22 and the major risks of the service in so far as the budget was concerned. Specific questions were asked by the Committee as follows.

Question to	Question	Response submitted to the Committee
<i>09:10-09:30 hrs attendance</i>		
Mr Giancarlo Caglielmi	The Council is at Year 5 of the 10 Year strategy to achieve savings required in its base budget over that time while avoiding the much larger savings required in a single year without that strategy. The savings target over the remaining five years of the strategy is significantly higher than was the case at the start of that strategy and yet underspends have been recorded. Is the strategy savings target therefore appropriate or should a lower savings target be set bearing in mind the experience to date?	<p>I don't think it would be prudent to consider relaxing the savings target at this point in time.</p> <p>The underlying principle of the long term plan is to enable income to grow over time, which may enable us to reduce the level of savings in the future but I don't think that time is now. The flexibility that the long term plan has provided has been crucial, especially this year where we have been able to 'relax' the savings target for one year – however this will in itself have a telescopic effect so the savings required in future years remain an important element of the long term plan.</p> <p>In respect of the underspends from previous years,</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 10</p>		<p>as explained to the Committee previously, not all favourable items from prior years can readily translate into on-going savings on a permanent basis going forward, and some may be one-off in nature in any case such as general Government grant funding. Therefore, the underlying variances behind any outturn position will determine the way forward, rather than just looking at the overall outturn position itself.</p> <p>Nobody, unless they come across unlimited wealth, can repay their mortgage overnight and have a relaxed attitude when they know what the level of their repayments is on a regular basis, and depending on what type of mortgage they have, their repayment level goes down as the years pass.</p>
	<p>Further to the above, is it appropriate to look at extending the ten year strategy and if so by how long and what are the other considerations (e.g. increasing the forecast risk reserve).</p>	<p>This question was addressed in the report that the Committee considered back in November, where it was highlighted that the long term forecast would be reviewed in 2023.</p>
	<p>Large sums of money have been set aside to fund a range of projects and schemes. Is it time to make fresh decisions on the allocation of the funds and release or reallocate those funds where the original purpose is not</p>	<p>Yes, it is time to make decisions about the money that has previously been set aside for projects that are no longer to be pursued. The general aim is to consider such re-allocations when a subsequent</p>

	<p>to be pursued? In this regard I reference the sums allocated for the Clacton Town Centre Fountain (£159K) and for Residents' Free Car Parking (£221K).</p>	<p>project comes forward but I appreciate that there may be long lead in times to such projects, which may leave money against budgets previously agreed for extended periods of time. However, it is a useful point to raise and I will review such budgets as soon as possible.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 11</p>	<p>On 13 August, the Committee recommended Cabinet:</p> <p>“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.”</p> <p>This was reported to Cabinet on 11 September and I invite the Deputy Leader to advise the Committee as to an update on the proposal.</p>	<p>As agreed by Cabinet, the issue raised was to be considered as part of developing the back to business initiative and associated action plan, which needed to translate comments and feedback into practical actions on the ground.</p> <p>Although this work remains on-going, at its meeting in November, Cabinet agreed the first of these tangible projects which are being taken forward. It is also important to highlight that an external consultant is currently undertaking an ‘audit’ of the various projects and initiatives we have proudly identified and backed with cash to see what additional capacity / resources may be needed to make the necessary progress. I will hopefully be able to provide a further update in early February. However I can’t emphasise enough the pressure our officers are under in responding to the on-going COVID 19 crisis, which will undoubtedly have an impact on this work.</p>

	<p>Currently the Council has almost £33M in reserves, is there an optimum reserve figure for a District Council of TDCs size/revenue budget?</p>	<p>As the Committee is aware, the question incorrectly gives the impression that the Council is sitting on £33m of uncommitted reserves.</p> <p>Leading on from the answer given above, we have cash backed a number of initiatives and projects rather than making promises based on future funding. A large percentage of the figure the Committee have referred to is therefore associated with continuing projects and initiatives which were agreed to be carried forward at the end of 2019/20 which would have been included in a report that the Committee considered last year.</p> <p>A number of reserves have also been set aside to meet risks going forward, which if not provided for could put the financial sustainability of the Council at real risk, something I am not prepared to expose us to.</p> <p>In terms of uncommitted reserves, the figure set aside is £4m, which is based on a risk assessed approach.</p>
<p><i>09:40-10:00 hrs attendance</i></p>		
<p>Cllr. Lynda McWilliams</p>	<p>Sums of money have been allocated for “Public Health Improvement Projects” (£95K), the “Tendring Community Fund” (£500K) and the “CCG Wellbeing Hub” (£245K) with overlapping objectives. Is there a</p>	<p>All these funding pots are being looked at holistically, together with the back to business agenda and the business support grants. An announcement will be made shortly about the</p>

	<p>coherent approach to the delivery of those objectives given that when we come out of covid restrictions the extent of the need in the community for help is likely to be extensive?</p>	<p>opening of the Tendring Community Fund, to support our voluntary organisations at this challenging time.</p> <p>Following nominations from Group Leaders, the Working Group for the Tendring Community Fund comprises Councillors McWilliams (Chairman), Alexander, Allen, Bush, Chapman, V E Guglielmi, J Henderson, Land, Newton and Wiggins. In addition there was a vacancy on the Working Party following the passing of the late Councillor Joy Broderick.</p>
<p>79.10-10.30 hrs attendance Mr. Alex Porter 13</p>	<p>Given that a significant element of the Tourism season in 2020 was lost due to Covid restrictions, and the importance of Tourism to the local economy of the District, how are resources going to be applied to ensure that the 2021 season is as successful as it can be.</p>	<p>As the committee is aware, the draft tourism strategy was considered by Cabinet in October and was subsequently sent out for consultation. The final strategy is due back to Cabinet in February with an accompanying delivery plan for year 1. This will contain a number of actions to support the District's recovery. Further to this, there are a number of short term projects listed in the emerging Back to Business delivery plan, with the aim of supporting the local tourism economy, e.g. Clacton 150, Celebrate Tendring etc.</p>
	<p>At the start of 2021/22 there will be £174K in the "Leisure Capital Projects Reserve". Can you tell the Committee what Capital Projects this is to fund? The Committee is aware that a separate allocation of £521K</p>	<p>A number of planned essential maintenance projects will be addressed through this reserve and a report is due to be considered in the coming months. This will include the replacement of sand</p>

	has been made for the Clacton Leisure Centre spa and wet-side redevelopment.	filter media (for the District's swimming pools) and a boiler replacement. This is scheduled to take place towards the end of the year.	
<i>10.40–11.00 hrs attendance</i>			
Page 14	Cllr. Paul Honeywood	<p>The population profile of the District suggests that there will be a higher number of properties requiring adaptations to make them suitable for those with mobility impairments. In the circumstances is it timely to look at the needs across the District and the appropriate resources to meet those needs across both the HRA and the General Fund.</p>	<p>The district does indeed have a population age profile that shows a higher proportion of older people living in the area.</p> <p>This is a fact that we are very aware of and is reflected in the adaptations programme that we offer to residents which is by some margin the largest in Essex for Disabled Facilities Grants. The Council has an allocation from the Better Care Fund of over £1.8M and is therefore more than adequately resourced to provide the adaptations necessary.</p> <p>Within our own housing stock we have the benefit of a capital allocation of over £400k in the HRA to cover the cost of adaptations that are required by our own tenants.</p> <p>Working with partners in the healthcare system and with Essex County Council we identify those in need of adaptations and provide a comprehensive service to ensure they receive the help required.</p>
	The HRA budget for 2021/22 includes lost rental income of £160K arising from void properties. We are advised	The number of void properties has increased throughout 2020 for a number of reasons not least	

	<p>that on average there are 50-60 properties that are void each contributing £84.10 per week of lost income. It obviously takes time to turn around a void property and rehouse individuals and families in need. What measures will be implemented in 2021/22 to reduce the average void period and reduce the cost associated with it.</p>	<p>the current pandemic that has at times meant it has not been possible to let properties or increased the time taken to turn them around and complete the allocation and re-letting process.</p> <p>This is a situation we are acutely aware of and measures have been put in place, some of which were already planned, to speed up the process of re-letting a property once it has become vacant. These measures include:</p> <ul style="list-style-type: none"> • A new software system for Housing Register applications to be introduced in February that will allow online applications and electronic handling of information and communication with applicants • Linked to that software, a further piece of software that will hold, track and manage the allocation of void properties, reducing a lot of manual processing that current slows the process • A new Term Maintenance Contract with built in performance targets and penalty clauses will be in place from April that will give better control over the speed and quality of works undertaken. • An officer taskforce meeting fortnightly with the specific aim of reducing void times to as a low as possible.
<p><i>11.10 -11.30 hrs attendance</i></p>		
<p>Cllr. Mary Newton</p>	<p>£126K has been set aside to be spent on preparations for the UK's exit from the EU. As the UK has now left</p>	<p>This sum was retained to allow the Council to address any critical issues in the immediate build</p>

	<p>the EU should that sum be released or reallocated or is it earmarked for specific measures?</p>	<p>up to or after EU transition. Work is now underway to work through other identified expenditure for EU transition such as Variable Message Signs for the District's roadsides.</p>
	<p>£1.585M has been set aside for "Business Investment and Growth Projects". That's a large sum of money in the Council's accounts. What Business and Growth Projects are to be funded from that sum in 2021/22?</p>	<p>Now the Economic Growth Strategy has been refreshed and adopted, a delivery plan will be brought forward in the coming months for allocation of this budget towards strategic goals.</p>
<p><i>11.40 – 12.00 hrs attendance</i></p>		
<p>Cllr. Michael Albot Page 16</p>	<p>£44K has been set aside to fund "2 One year fixed term posts to support improvements to the overall appearance of the district". Where are we with the delivery of this? What is the plan?</p>	<p>The post is incorporated into the Public Realm team which has enabled the service to undertake improvements to public realm as opposed to meeting current maintenance requirements.</p> <p>This includes improvements to the round garden Walton on the Naze, the Mayflower 400 open space Harwich, the restoration of rockeries along Clacton seafront and the commencement of improvements to the seafront open space and garden at Martello Bay Clacton.</p> <p>The post will support future projects including Clacton Town centre enhancements, a new flood memorial garden, Harwich and refurbishment of the Cliff Dovercourt.</p> <p>In addition, improvements are planned for the entrances at Weeley crematorium, Kirby and</p>

Clacton cemeteries and Rush Green recreation ground Clacton as well as the seafront garden and boating pond area of Clacton. Public realm is also working towards landscaping and enhancing existing children's play areas to provide a more welcoming and safer environment.

Public Realm improvements will be conducted with the support of Building and Engineering Services on projects including Clacton town centre, the Cliff Dovercourt and others.

Public Realm are happy to provide information on areas of refurbishment / improvement as opposed to general maintenance.

The post has approximately 6 months to run. It would be beneficial to have further funding, or for additional resources to be provided for future projects.

The service is trying to concentrate on areas of maximum impact such as visitor / communal areas, but is also happy to consider ideas or requests from members.

Well maintained and enhanced public realm has many benefits including positive health and wellbeing physical and mental, encouraging

		business and economic regeneration as well as lowering crime and anti-social behaviour.
Page 18	The net ongoing savings being built into the budget includes £115K to reflect the expected continuation of increased recycling performance from the waste collection service changes from 2019. Given the financial benefit to the Council from increasing recycling should some of that saving be allocated to improving signage to and the general area of recycling bring sites to make them more attractive and encourage their use?	Officers within the Street Scene Team are currently undertaking an audit of all the 80+ bring sites located across the district with the intention of highlighting both the potential for increasing the scope of materials collected at the sites but also the overall standard of the site and signage with the ambition of enhancing the experience of the users to these sites, which in turn will help to promote and enhance recycling It is anticipated that these works, once completed will be within the current waste and recycling budgets and would not require any additional budget.
	The Committee has previously asked that the capital provision for cliff stabilisation works (£4m) should incorporate a district wide survey to highlight the Council's likely exposure to such costs in the foreseeable future. Do you think it prudent to try to estimate that financial risk and will such a survey be pursued (and particularly if external funding is secured to reduce the £4m currently allocated for the slippage at Holland-on-Sea)?	The £4m capital allocation is for specific works to two slipped areas in Holland on Sea. A previous piece of high level consultancy linked to the recently completed cliff stabilisation package identified that all of the cliffs owned by the Council have low factors of safety and could be subject to future movement. In general secure slopes of this type would be at 18o and those owned by the Council are as steep as 30o in places. Officers commissioned the work following internal assessment of the areas of the District's coast for

		<p>which TDC is responsible as Coast Protection Authority and as the landowner: Brightlingsea near Promenade Way (where there are no cliffs), Clacton Martello to Haven Frinton Greensward to Walton Naze and Dovercourt West end Lane to Harwich Beach.</p> <p>Because the council is the landowner opportunities for third party funding are limited. It is likely that the Council could be liable to other parties if infrastructure such as streets are damaged</p>
<p><i>12:10-12:30 hrs attendance</i></p>		
<p>Mr. Neil Stock CBE 19</p>	<p>The sum of £862K has been allocated to the “Back to Business Initiative” and the Committee would like to know where we are with the detailed action plan that will start to commit funds from that sum. Can you provide that update?</p>	<p>The draft delivery plan for the Back to Business agenda is now complete and will be brought forward to Cabinet following a meeting to approve the content.</p>

In addition, all Portfolio Holders are asked to confirm that the Fees and Charges they are responsible for have been reviewed to ensure that they are set at a level to recover the costs of the service they relate to or otherwise have been set at levels set by statute.

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Draft ECC Housing Strategy update January 2021

Place Services and Economic Growth Scrutiny Committee January 21st 2021

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Agenda Item 5



Essex County Council

Purpose of presentation

- To provide an update to the Committee on progress to develop an ECC Housing Strategy

Slides 3 - 4 Background and context

Slides 5 - 8 Summary of engagement and consultation responses – *text in blue shows response/proposed changes to be made*

Slides 9 - 11 Proposed strategic goals and outcomes from the strategy – *draft actions being considered are included as blue text*

Slide 12 Proposed next steps

- Work to refine the strategy and action plan is ongoing and will be informed by comments received at the session on 21st January
- The wording of the goals/outcomes (slides 9-11) is subject to change with a view to simplifying and improving readability in advance of publication
- A copy of the consultation version of the strategy has been shared for information.

Context

- The draft ECC Housing Strategy was presented to the Committee on 23rd January 2020
- A revised consultation document setting out the proposed focus, goals and high-level actions of the strategy was subject to a 12 week public consultation from 3rd March 2020. The document set out three Strategic Goals:
 - **Growing Essex while protecting the best of the county;**
 - **Enabling people to live independently throughout their life;**
 - **Supporting people to have a stable home**
- We have and continue to engage directly with key partners from Essex Borough, City and District councils, Housing Associations and Developers
- Following a short pause during the first months of the COVID-19 pandemic the strategy has been updated in line with the outcomes of the consultation

Housing through the pandemic

- Local Housing Authorities in Essex moved around 200 rough sleepers into accommodation working in close collaboration with partners, including ECC, Police, Health and voluntary sectors to provide necessary support
- Temporary ban on evictions and mortgage holidays
- 2019-20 saw highest number of affordable housing completions in Essex since 1995. New build crashed in lockdown then sprang back in summer 2020.

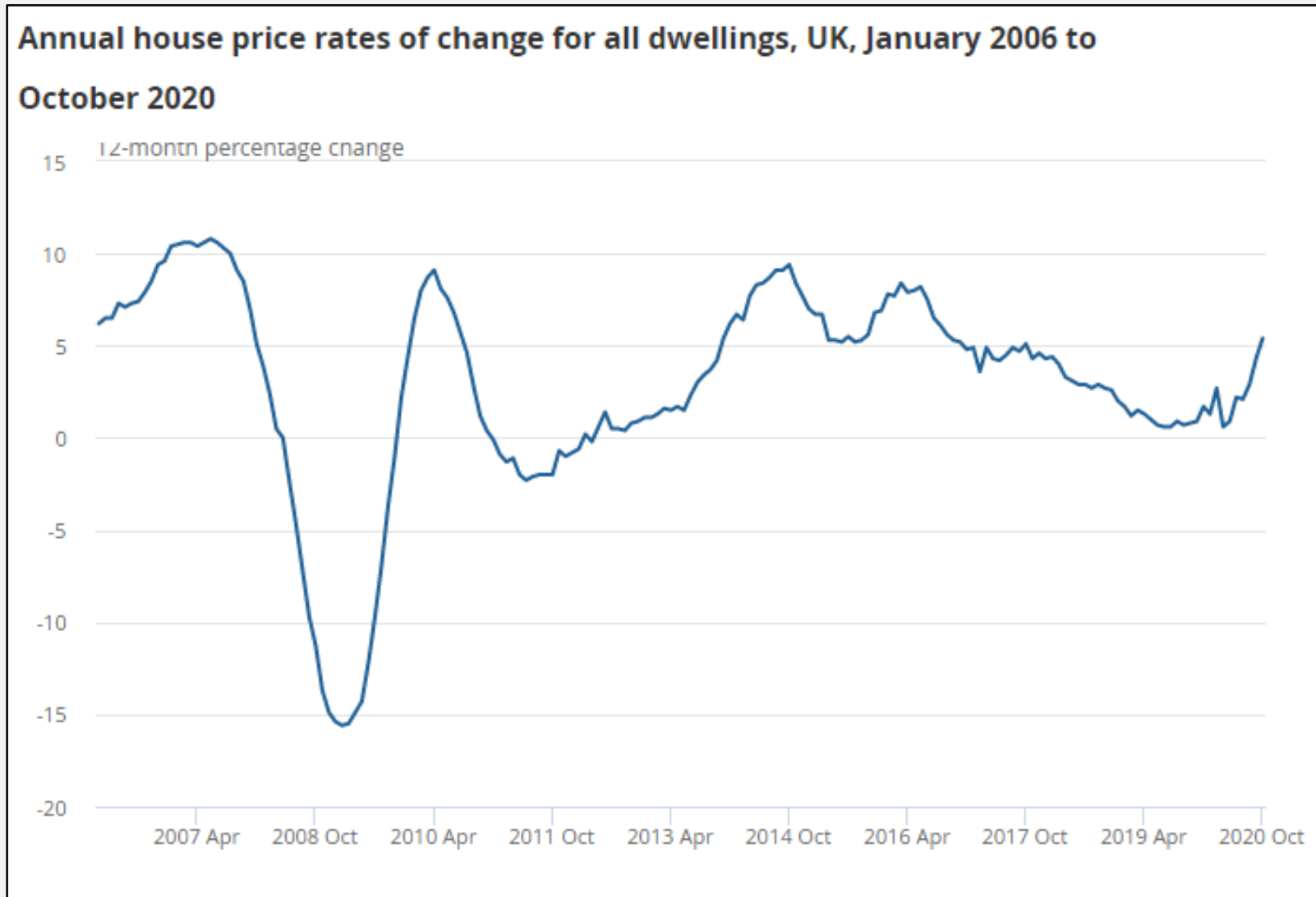
Page 26

Housebuilding will play an important part of post-COVID economic recovery work in Essex with research suggesting each new home built supports over 3 jobs

- The housing market has defied economic gloom during the pandemic so far, but many uncertainties in 2021:
 - Economic outlook;
 - When will COVID restrictions end?;
 - Working practice and lifestyle changes;
 - Changes to Help to Buy and end of Stamp duty holiday;
 - Planning reforms; and
 - Investments in improved energy performance, accessibility and fire safety.

Housing through the pandemic (2)

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Source: HM Land Registry, Registers of Scotland, Land and Property Services Northern Ireland, and Office for National Statistics – UK House Price Index

'You Said, We did' (1) Feedback from the Committee in January 2020

- Changes based on feedback from the committee in January 2020 have been incorporated into the strategy :

Partnership working on housing issues essential

- 12 week public consultation, further round of engagement with partners planned ahead of publication. Aiming to co-develop strategy action plans for each Essex district to reflect specific ECC activity in that area

Provision of necessary infrastructure

- Increasing infrastructure investment included as specific outcome in the strategy

Influence of ECC over housing needs

- Using evidence and influence to increase the proportion of accessible new homes built included as a specific outcome in the strategy

Empty Homes and keyworkers

- Work to assess options of how ECC can support Local Housing Authorities to bring empty homes back into use to be included as an action in the strategy. Keyworker homes to be considered alongside plans to support increase affordable housing delivery

'You Said, We did' (2) Public consultation

- The strategy was subject to a 12 week public consultation from 3rd March 2020.
- 36 responses were received:

Seven from housing partners Districts and housing associations

- All partners highlighted the need for close partnership working to realise outcomes including maximising the use of existing fora
- A number of suggestions were made for actions that ECC could take to support housing growth which are considering through development of the action plan
- One housing partner disagreed with the draft strategic goals and actions requesting greater clarity on ECC role and tangible actions to be taken to support delivery of district partners statutory responsibilities

We will continue dialogue with district partners and provide greater clarity on ECC's role and activity through production of the action plan. We aim to co-develop district-level action plans to reflect local context

- The need to reference work on the regeneration of existing housing and infrastructure was raised

Reference to locally-led regeneration activity in which ECC is a partner has been added

'You Said, We did' (3) Public consultation

29 individual responses, 26 respondents suggested changes to the goals and outcomes;

Changes based on feedback

- Highlighting the role that housing and development of new places plays in meeting wider environmental goals around climate change, habitat and biodiversity loss. *A separate outcome on climate change and actions arising from the Essex Climate Action Commission has been added*
- The need to deliver infrastructure alongside housing growth. *Infrastructure is included as a distinct outcome in the strategy with actions to increase investment in infrastructure generated locally and from government*
- The importance of affordable housing to those who cannot access properties to rent, or buy. *We are working with districts to investigate ways to increase affordable housing delivery in Essex*

'You Said, We did' (4) Public consultation

29 individual responses, 13 respondents disagreed with the goals;

Other concerns raised

- 12 respondents from Braintree and Colchester focussed their response on opposition to garden community proposals especially with respect to North Essex. *The concerns are noted, but ECC support delivery of new housing growth which meets garden community principles and as progressed by local planning authorities via Local Plans*

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Concerns from residents over the planned level of housing growth in Essex and whether this was responding to local needs. *ECC will continue to work with Local Planning Authorities to deliver housing targets informed by government methodology on housing needs and as per adopted Local Plans*

Refreshed outcomes – Strategic Goal 1

Growing Essex while protecting the best of the county

- a. **The number of new homes delivered – including affordable homes - meets local needs**

Actions inc: Local Plan support, Essex Housing, Affordable housing project

- b. **Supporting infrastructure is funded and delivered to enable sustainable development of new communities and meet existing communities' needs**

Investment in viability/CIL, HIF delivery, Government bids

- c. **Locally led regeneration schemes deliver economic, social and environmental benefits in key localities (new outcome)**

Partnership projects in Colchester, Clacton, Harlow, Jaywick

- d. **New homes are built and existing homes retrofitted to meet net zero carbon requirements (new outcome)**

Energy efficiency projects, Climate Action Commission actions

- e. **New housing developments create beautiful homes and places helping to meet wider ECC aims (new outcome)**

Essex Green Infrastructure Strategy, Essex Design Guide

- f. **New high-quality homes and places are built across planned new garden communities in Essex**

Dunton Hills, Harlow Gilston, N Chelmsford, Tendring Colchester Borders

Refreshed outcomes – Strategic Goal 2

Enabling people to live independently throughout their life

- a. **Mainstream housing that enables residents to remain in their homes and live independent and healthy lives**

Influencing through planning process, lobbying government

- b. **Access to high quality specialist and supported accommodation for those who require it**

ECC Independent Living programme, evidence on need to market

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- c. **Adaptation and digital technologies widely adopted through co-design with residents to support people to live independently and healthily for longer and allow people to remain in their home**

Use of Disabled Facilities Grants, technology pilots

Refreshed outcomes – Strategic Goal 3

Supporting people to find and maintain housing stability

- a. **Partnership working to end the need for people to sleep rough in Essex, in line with the government's national ambition**

Joint funding bids, Coordination of housing and support services

- b. **Partnership working on homeless prevention and support to minimise the need for temporary accommodation**

Protocols to support joint working, conversation with London Boroughs

Next Steps

- Updating document based on comments from the Committee
- Refinement of strategy and action plan with officers across ECC responsible for delivery (Jan/Feb 21)
- Draft strategy shared with partners for final engagement & feedback (Feb 21)
- Final strategy drafted and presented for sign-off (Feb-Mar 21)

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Once strategy agreed

- Monitoring of action plan implementation and co-production of district specific action plans (Apr 21-Mar 22)
- Refresh action plan for financial year 2021-22 (Nov 21 – Feb 22)

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

1ST FEBRUARY 2021

REPORT OF ASSISTANT DIRECTOR FOR HOUSING & ENVIRONMENT

A.2 Housing Update

(Report prepared by *Tim Clarke*)

PURPOSE OF THE REPORT

The report has been prepared to update the committee and inform discussion on a number of housing matters.

BACKGROUND

The committee have requested a report in order to facilitate discussion on the following agenda item:

To examine the intended Housing Acquisition Strategy – to assess right to buy numbers, values, type and age of housing and impact on the risk appetite for Council house building. Plus to consider the progress deliberations around a Pension Provider providing a lease-back housing development.

The meeting will also examine the use of Community Infrastructure Levy/section 106 funds to provide facilities/services and infrastructure.

In addition the report will also provide an update on the council housing void position.

The Council's Housing Strategy 2020-2025 "*Delivering Homes to Meet the Needs of Local People*" was adopted by Full Council on 15th September 2020. The strategy sets out the vision of the Council in respect of housing delivery and paved the way for a number of other strategies including the Homelessness and Rough Sleeping Strategy, the Financial Assistance Policy for Private Sector Housing and the Housing Acquisition and Development Strategy. Other new or revised strategies will follow.

All of these documents are designed to compliment and support one another and ultimately achieve the strategic objectives set out in the Council's Corporate Plan and the Housing Strategy. They are all about providing good quality housing for all our residents

DETAILED INFORMATION

The following headings set out the main topics the committee has requested information on:

Housing Acquisition and Development Strategy

The strategy was adopted by Cabinet in October 2020 and sets out a framework around which the council owned housing stock will be increased to achieve a target of 200 additional homes. The strategy is appended to this report for ease of reference.

Right to Buy

When adding to the housing stock held within the Council's Housing Revenue Account (HRA) the impacts of right to buy have to be taken into consideration and factored into the financial planning.

Right to Buy numbers over the last five years are shown in the table below:

Year	Number of properties	Av. Discount (£)	Total discount (£ loss)
2015/16	10	64,288	642,884
2016/17	20	63,460	1,269,190
2017/18	34	60,837	2,668,490
2018/19	10	69,790	697,900
2019/20	14	66,373	929,225
2020/21	8 to date	-	-

The total discount figure is essentially the financial loss to the HRA compared to the market value of the properties sold. Sales peaked in 2017/18 and have now returned to a lower level. The addition of newer and more desirable properties to our housing stock could lead to an increase in sales.

The current maximum discount is £84,200 or £112,300 if you live in London.

Houses: Discount starts at 35% when you have been a public sector tenant for three years and the discount remains at 35% until five years spent as a public sector tenant. After year five, the discount goes up by 1% for every year up until a maximum of 70% or £84,200 across England (excluding London) whichever is the lower.

Flats: Discounts start at 50% for three years as a public sector tenant and remain at 50% until five years spent as a public tenant. After year five, the discount goes up by 2% for every year until a maximum of 70% or £84,200

Cost floor rule

Discount can be reduced by the 'cost floor' rule. This may apply if the property has recently been purchased or built by a landlord or they have spent money on repairing or maintaining it. Discount could be reduced to nil if the cost floor is more than the value.

The cost floor period for council properties is either 10 year period prior to receipt of the RTB application form or 15 years if the home was built or acquired by the Council after 2 April 2012

This means that a house bought through right to buy after year 15 could subject the HRA to a loss of over £80k.

Extending the cost floor to 30 years would alleviate this risk and put the Council onto a much lower risk position. Officers have discussed this with representatives from MHCLG however it requires a change of government policy and legislation so for now all decisions around acquisitions and development have to be taken on the basis of the current 15 year

cost floor.

Leaseback Housing Development

Leaseback is a means by which housing can be developed using funding from an institutional investor. The housing is then leased to the Council who manage it for the lease term, typically 40 years in the case of houses. At the end of the lease term the housing usually transfers into the ownership of the Council. During the lease term the management and maintenance costs are covered by the rental income, with the surplus rental income being passed on to the investor.

The Council is engaged in ongoing discussions with an institutional investor with a particular focus on providing housing in Jaywick Sands but also considering options elsewhere in the district. Whilst favourable because the arrangement would provide a significant number of rental properties without exposing the Council to financial risk, there are a number of legal considerations to be understood. The investor needs to also understand the build and acquisition costs which present a significant challenge in Jaywick Sands and the weekly rent needs to be set at a level that is attractive to renters.

Officers will continue to explore this option and bring a report forward to Cabinet if and when a suitable arrangement has been developed.

Section 106 Funding

The amount of s106 funding for affordable housing provision, often referred to as an *off site* contribution, awarded to the Council is reported as part of the quarterly budget report. In Quarter 2, £1.7M was available. This funding will be used to fund housing acquisition and development in order to achieve the Council's 200 additional home target.

Housing Voids

Housing voids have increased over the last year or so to a point where the Quarter 2 financial reporting showed a figure of 4% financial loss. Given the COVID-19 pandemic an increase in void properties is to some extent to be expected and is something that all landlords will have experienced. All but urgent lettings were suspended between April and mid-June 2020. General working restrictions both in respect of office based allocations staff and repair and maintenance contractors have meant a slower turnaround and allocation process has been in place since.

There has not been an increase in properties being handed back during the pandemic and rent collection levels have remained very good in the circumstances.

Currently there are 108 void properties, equating to 3.5% of the total housing stock. 42 of those properties are ready to let with 15 of those being offered to prospective tenants during the week commencing 18th January. The target is to reduce this total number to around 62 which is 2% of the stock. Officers believe this is possible and have been working on measures to improve the housing allocations process for several months. These measures will include new allocations and housing register software that will streamline processes and move them away from the current paper based processes.

An officer working group has been set up with the first meeting held on 20th January. The group will be standardising data collection across the allocations and repairs teams and will be improving communication and certain processes that collectively will enable void

times to be reduced. In April a new term maintenance contract will commence, placing all void repair works with one contractor that will be subject to performance targets and financial penalties where turnaround times are not met.

Due to small outbreaks of COVID-19 in some sheltered schemes and the challenges in managing those outbreaks there will not be any new allocations of sheltered housing until it is safer to do so.

RECOMMENDATION

That the Committee determines whether it has any comments or recommendations it wishes to put forward to the relevant Portfolio Holder or Cabinet.

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

1 FEBRUARY 2021

Report Reference for this Committee: A.3

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

29 JANUARY 2021

REPORT OF THE LEADER OF THE COUNCIL

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

(Report prepared by Keith Simmons and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

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

The themes of the 2020/24 Corporate Plan are:

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

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

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

- The roll out of numerous grants in excess of £38million to businesses
- The adoption of a local Back to Business Agenda which not only supports businesses to survive but preparing to help them flourish.
- An Economic Growth Strategy focusing on recovery for the future.
- Allocation of monies from the Tendring Community Fund to Ward Councillors to provide grants to local organisations to enable them to respond to the pandemic locally.
- Business continuity arrangements immediately being invoked to ensure Council services remained in place where they were able to do so and for those services impacted by the various lockdowns, staff were redeployed to work with different teams in response to the pandemic, such as the Community Hub.
- Adoption of a Climate Change Action Plan to meet the Council's aspirations towards the Climate Emergency.
- Section 1 of the Local Plan was found sound by the Planning Inspectorate establishing the 5 year housing supply of 550 dwellings per annum, a North Essex vision and the Garden Community at Tendring Colchester Borders
- A balanced budget and revised governance arrangements to ensure democratic decision making continued throughout.
- Getting ready to build or acquire new council homes. We adopted a Corporate Housing Strategy to deliver homes to meet the needs of local people, making the best use of and improving existing housing and supporting people in their homes and communities. Separate strategies and policies were introduced to assist reducing homeless and rough sleeping in the district, providing financial assistance policies for private sector housing and acquiring land and buildings to increase council housing stock.

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

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

RECOMMENDATION(S)

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

(d) That the outcome of the consultation with the Overview and Scrutiny Committees referred to in (c) above be reported to Cabinet on 19 March 2021 in order that Cabinet can formally adopt its finalised key priority actions for 2021/22.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The key actions set out at Appendix A seeks to deliver in the year 2021/22 on the ambitions of the four year Corporate Plan. Other actions in 2021/22 will also be undertaken as the Council applies the strategic direction of the Corporate Plan to its work overall. In addition, Cabinet will establish a further set of key actions for 2022/23 to further advance achievements against the Corporate Plan.

FINANCE, OTHER RESOURCES AND RISK

The provisional key actions set out at Appendix A includes the delivery of the financial savings target within the Medium Term Financial Strategy. In considering all matters it is vital that the balance of resources can be accommodated by this Council and that it does not put further strain on the Council being able to balance its budget each year.

A key risk as Cabinet prepares its key actions for 2021/22 is the continuing impact of the Covid-19 pandemic and the restrictions imposed to address the pandemic. These risks will need to be assessed in a dynamic way as infection and hospitalisation rates change and the restrictions are adjusted over time. There may yet be further work for the Council to achieve, such as new grant schemes, as there has been in 2020/21 and this too will impact on the capacity of the Council to achieve the Cabinet's adopted key actions.

LEGAL

The legal implications of individual actions will be assessed when they are brought forward for formal decisions to be made.

OTHER IMPLICATIONS

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

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

In preparing this report, due regard has been given to the likely effect of the exercise of the Council's functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. In addition, due consideration has been given to the District Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The proposals set out in this report have been anchored in the findings from the last Peer Challenge Review of the Council.

In 2018, through the Local Government Association, the Council benefitted from a 'Peer Challenge Review'. Peer Challenges provide a robust and effective improvement tool managed and delivered by the local government sector, for the sector. Peers are at the heart of the peer challenge process and provide a 'practitioner perspective' and 'critical friend' challenge. The Review considered five key strands that all Peer Challenges cover:-

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

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

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

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

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

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

- Ensure that success measures and key milestones for delivery are built into the project/priority before it is/they are approved so that implications for resource allocation and other consequences can be factored in.

- Align the Cabinet’s Annual Priority Actions with the Budget approval process and thereby to clarify decision making. Likewise the six monthly review provides the opportunity to reset projects/priorities to take account of events.
- Strengthen further project governance by giving greater clarity as to the measures of success and the key milestones in delivery of the Cabinet’s priority actions.
- Link back the annual priority actions are to at least one Corporate Plan Priority Theme. The golden thread approach is further enhanced through the alignment with the budget timetable to ensure there is clarity that both have been developed to the same aim around achieving the Corporate Plan.
- Cover all Cabinet approved Priority Actions in the Quarterly reporting to Portfolio Holders and then publishing that data.
- Enhancing the role of Members in Performance Management so that OSCs will be free to review and scrutinise individual matters through bringing forward those matters in a more timely way following publication (one month after the end of the quarter concerned). And otherwise ensuring that review items approved for the OSC work programme include relevant performance data.
- Requiring OSC’s, in submitting their work programmes each year to Council, how the items in the work programme address the Corporate Plan ambitions.

CURRENT POSITION

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

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

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

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

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

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

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

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

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 49</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Building Sustainable Communities</p>	B2 - Jaywick Sands - more and better housing; supporting the community	<p>Deliver the Jaywick Sands Covered Market and Commercial Space</p> <p>The intention is to construct 13 affordable rent business units offering 9,500 sq.ft lettable area and a covered local market of 10 affordable pitches. Alongside this, the public realm in the area will be improved including the creation of a new community garden and a multipurpose hard landscaped area which can be used for outdoor markets and seasonal events.</p>	*	£2.128M for full project comprised of: £106K from this Council (including capital and revenue costs in first year of operation) £50K from Essex CC for regen of market site and public realm £1.972M from SELEP – to be spent by March 2022	Mike Carran	Cllr. Mary Newton	<p>30 April 2021 - Planning Application submitted</p> <p>31 July 2021 – Contractor procured</p> <p>31 August 2021 – Construction commences</p> <p>28 February 2022 – Handover to the Council</p>	<ul style="list-style-type: none"> • Around 40 FTE jobs will be directly created and brought into the area at c£20kpa with an additional economic impact to the local economy of £1.7m per annum • Indirect and induced impacts are estimated to comprise around 16 FTE jobs
	B6 - Effective planning policies	<p>Implementation of Local Plan Part 1 following Inspector's approval and move to formal examination of Part 2</p> <p>Formal adoption of the modified Section 1 Plan in January 2021 will enable the Council to maintain a 5 year supply of housing, progress work on the Garden Community Development Plan Document (DPD) in partnership with Colchester BC and allow the examination of Section 2 of the Local Plan (containing policies and proposals specific to Tendring) to proceed in 2021.</p>	*	£750K (of which £150K already committed) to cover consultancy, temporary staffing and examination costs for the Local Plan and which will be utilised, in part, for work on the Garden Community DPD and the statutory stages of Neighbourhood Plan production. £175K base budget per annum to fund continued work on the Local Plan, future reviews and associated work.	Gary Guiver	Cllr. Neil Stock OBE	<p>26 January 2021 - Adoption, by Full Council, of Section 1 of the Local Plan for North Essex following the Planning Inspector's final report and recommended modifications.</p> <p>4 March 2021 – Complete examination hearings for Section 2 of the Local Plan (for Tendring) (provisional).</p> <p>30 September 2021 - Receipt of Inspector's Section 2 report and consultation on modifications.</p> <p>31 March 2022 – Adoption of Section 2 Local Plan.</p>	<ul style="list-style-type: none"> • 11,000 new homes and 9,800 jobs between 2013 and 2033 including early phases of development at the Garden Community. • £99million government (HIF) investment in the A120/A133 link road and rapid transit system. • Protection against unwanted and speculative development proposals that run contrary to the Local Plan. • Establishment of the foundations for future review of Local Plan, Neighbourhood Plans and regeneration projects in Jaywick Sands, Clacton, Dovercourt and other locations. • Establishment of statutory development plan for the purposes of seeking and securing additional public and private funding.

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

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

Relevant Corporate Plan Priority Theme	Highlight Priorities for 2021/22	Detail for 2021/22	Included in Highlighted Priorities	Budget	Lead Officer	PFH	Milestones	Outcome	
A growing and inclusive economy	D2 - Support existing businesses	To deliver the key actions identified as part of the Back to Business Agenda	*	£862K will cover a series of District wide projects	Mike Carran	Cllr Neil Stock OBE	29 January 2021 - Adoption of Delivery Plan	<ul style="list-style-type: none"> Positive impact on the local economy and business confidence Increase in the number of young people accessing Clacton Skate Park Increase in the number of young people accessing mental health services 	
		Complete and deliver a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic, to be targeted at improvements to the District's environment/quality of life and support for our residents, businesses and wider local economy.					30 March 2021 – Money distributed to mental health services to enable more young people to access professional support		
							31 August 2021 – Complete refurbishment of Clacton Skate Park		
	D4 - Promote Tendring's tourism, cultural and heritage offers	To deliver the range of activities to celebrate Clacton 150 in conjunction with partners	<p>2021 marks the 150th anniversary of Clacton on Sea. The Council have been successful in applying for £250k to develop plans for a number of projects to mark this occasion and use it as a means to stimulate the local economy at the start of the key tourism season.</p>	*	£250K, which is fully funded by the National Lottery Heritage Fund.	Mike Carran	Cllr. Alex Porter	28 February 2021 – Employ two designated members of staff to oversee this project	<ul style="list-style-type: none"> Increase the number of visitors to the District's seafronts Increase in volume and value to the local tourism economy
								1 April 2021 – Install a new heritage trail from Jaywick Sands to Holland Haven	
								31 May 2021 – Organise a launch event for Clacton 150 (subject to national guidelines at that time)	
D4 - Promote Tendring's tourism, cultural and heritage offers	To deliver the range of activities to celebrate the Mayflower 400 in conjunction with partners	<p>2020 marked the 400th anniversary of the sailing of the Mayflower to America. Harwich played a key role in this story and the Council has been working with partner destinations around the country to create a new visitor trail, to promote to the American travel trade. Due to the Covid-19 pandemic, the international tours scheduled for 2020 were postponed and will now take place in 2021 and beyond. The Harwich trail is now complete and the 3 physical attractions will open in 2021, as soon as restrictions allow.</p>	*	£30K for the Mayflower Illuminate Festival	Mike Carran	Cllr. Alex Porter	30 April 2021– Open the house of Christopher Jones and the Mayflower Visitor Centre (subject to national guidelines at that time)	<ul style="list-style-type: none"> 10 travel operators bringing visitors to Harwich for the Mayflower exhibitions Increase in volume and value to the local tourism economy Create relationships with travel trade to develop new markets 	
							30 April 2021 - Complete the Harwich Mayflower Heritage Trail		
							31 May 2021 – Organise the Harwich Illuminate Festival (subject to national guidelines at that time)		
							30 Sept 2021 – Together with partners and the travel trade, organise a structured series of tours for visitors.		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

1 FEBRUARY 2021

Report Reference for this Committee: A.4

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

18 JANUARY 2021

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.7 PROTOCOL FOR CABINET AND OVERVIEW & SCRUTINY ROLES

(Report prepared by Lisa Hastings and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

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

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

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

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

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

Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often

considered by external bodies such as regulators and inspectors, and highlighted in public reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.”

The Guidance recommends an ‘executive-scrutiny protocol’ to help define the relationship between the two arms of the organisation, dealing with the practical expectations of scrutiny committee members and the Executive, as well as the cultural dynamics. Councils should consider adopting a protocol, e.g. formal agreement at scrutiny committees and Cabinet, then formal integration into the Council’s constitution.

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

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

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

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

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

Through its work programme the Overview and Scrutiny Committees will consider the Cabinet’s adopted priorities in support of the Council’s Corporate Plan, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and

they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas). The enquiries included within the work programme shall be identified to add value to the Council as a whole and the district. The allocation of enquires to specific Overview and Scrutiny Committees in accordance with their respective terms of reference.

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

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

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

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

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

RECOMMENDATION

That Cabinet:

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

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

FINANCE, OTHER RESOURCES AND RISK

Risk

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

LEGAL

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

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

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

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

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

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

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

OTHER IMPLICATIONS

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

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

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

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Following the House of Commons' Communities and Local Government Select Committees Report of December 2017 into the 'Effectiveness of local authority overview and scrutiny committees', the Government published new statutory guidance in May 2019 on overview and scrutiny in local and combined authorities. The Council in operating a Leader and Executive Governance Model must have regard to it when exercising their functions and should be followed unless there is a good reason not to in a particular case.

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

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

The Statutory Guidance covers other areas relating to the scrutiny function although, the Council's Constitution already sets out its compliance with statutory requirements for overview and scrutiny committees, the appointment of members of those Committees, the appointment of Chairmen and Vice-Chairmen of the same, the procedures for such matters as call-in, and work programming, access to information for members of those committees and member-officer protocols etc.

The Resources and Services Overview and Scrutiny Committee received a report on the new Statutory Guidance on Scrutiny in Councils at its meeting in July 2019 and resolved that the Committee noted its contents and officers be requested to consider further training to be provided to Members to support the aims of the Statutory Guidance in achieving good scrutiny.

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

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

"It is clear that the Committee were aware of the existing provisions in the constitution that provide for a robust and independent scrutiny function at this Council. The receipt of the Statutory Guidance is timely for us all to reflect on the arrangements we have and the opportunity to improve upon them in a collaborative way. This collaborative approach was one that worked really well in the review of the Constitution at the end of last year and earlier this year. In fact we will be picking up that work again soon as we undertake the

review promised after 6 months of operation of the changes to the constitution and, specifically, to the full Council Procedure Rules. The invitation for Cabinet to consider a possible Executive-Scrutiny Protocol as referenced in the Ministerial Guidance is one I would want to integrate into the process around the 6 month review of the changes to the constitution. The working group will, by its nature, involve Cabinet and Scrutiny Committee Members and so will be good forum to examine the potential advantages of a new protocol. Obviously, I would then want to broaden the discussion around any protocol with all the Members of the Overview and Scrutiny Committee Members and Cabinet colleagues before any final recommendations are submitted.”

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

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

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

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

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

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

BACKGROUND PAPERS

None

APPENDICES

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

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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

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Ministerial Foreword

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

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

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

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

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

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



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

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

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

Aim of the guidance

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

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

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

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

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

Status of the guidance

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

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

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

Terminology

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

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

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

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

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

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

Expiry or review date

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

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

1. Introduction and Context

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

Effective overview and scrutiny should:

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

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

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

2. Culture

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

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

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

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

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

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

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

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

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

In particular:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Directly-elected mayoral systems

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

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

3. Resourcing

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

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

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

Statutory scrutiny officers

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

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

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

Officer resource models

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

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

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

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

4. Selecting Committee Members

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

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

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

Selecting individual committee members

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

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

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

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

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

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

Selecting a chair

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

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

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

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

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

Training for committee members

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

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

Co-option and technical advice

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

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

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

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

36. There are two principal ways to procure this:

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

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

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

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

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

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

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

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

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

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

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

Seeking information from external organisations

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

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

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

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

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

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

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

Following ‘the Council Pound’

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

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

6. Planning Work

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

Being clear about scrutiny's role

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

Who to speak to

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

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

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

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

Information sources

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

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

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

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

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

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

Shortlisting topics

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

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

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

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

Carrying out work

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

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

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

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

7. Evidence Sessions

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

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

How to plan

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

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

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

Developing recommendations

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

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

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

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

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

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

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

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

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

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

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

The protocol, as agreed, may contain sections on:

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

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Introduction

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

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

2. Application of the Protocol

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

3. Trust

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

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

4. Policy Development and Pre-Decision Scrutiny

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

5. Holding the Cabinet to Account

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

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

5.2 In return, Cabinet Members will:

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

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

6. Budget setting and monitoring - The importance of scrutiny

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

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

7. Performance Measurement and Reporting

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

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

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

- Responding to requests from the public for greater clarity on the council's finance and spending plans
 - Periodically carrying out post-implementation reviews of large (in terms of revenue or capital) projects
 - Challenging decisions related to new service commitments, investments, and previously unbudgeted demands
 - Scrutinising the financial implications of greater partnership working
 - Keeping a regular 'watching brief' on important matters affecting general resource management.
- 8.2 The above matters will inform the work planning of Overview & Scrutiny of Council functions and those of partners.
- 8.3 Cabinet, Audit and Overview & Scrutiny Committees will be guided by advice from the Council's Section 151 Officer on the boundary of responsibility between Audit and Overview & Scrutiny.

9. Overview & Scrutiny Work planning

- 9.1 Around the start of each Municipal Year, the Overview & Scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Cabinet Member(s) will be inputted alongside the views received from others. The Cabinet's adopted priorities in support of the Corporate Plan will be considered, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas).
- 9.2 The Chairmen and Vice-Chairmen of the Overview & Scrutiny Committees will meet quarterly with representatives of the Cabinet in order to ensure ongoing opportunities for Cabinet input into Overview & Scrutiny Committee work plans, ongoing opportunities for Overview & Scrutiny to input into Cabinet policy development or to address performance issues and to build on the positive working relationship between the two functions.
- 9.3 Overview & Scrutiny Committees may legitimately expect to receive a written report with relevant details for each item on its work programme and, where possible, this report should always be circulated with the agenda for the meeting.

10. Overview & Scrutiny Recommendations to the Cabinet

- 10.1 Overview & Scrutiny Committees may make recommendations to the Cabinet on functions the Council is responsible for through a formal committee meeting or, say, by way of a Task & Finish Group's Final Report.
- 10.2 Upon receipt of a recommendation from Overview & Scrutiny, Cabinet Members will:
- Give due consideration to any recommendations or views expressed;
 - Provide an explanation for the reasons why recommendations made by Overview & Scrutiny have or have not been pursued.
- 10.3 Once approved by the relevant Overview & Scrutiny Committee, the views of the Cabinet Member on any recommendations will be sought and included within the report. The Chairman of the Overview & Scrutiny Committee/Task & Finish Group will have the opportunity to meet with the relevant Cabinet

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

11. Urgent Items of Cabinet Business

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

12. Scrutiny Consideration of Confidential Decisions

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

13. Call-in

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

14. Councillor Call to Action

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

15. Ensuring Compliance with the Protocol

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

Agenda Item 6

Resources and Services Overview and Scrutiny Committee 16 November 2020

OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS

(Prepared by Keith Simmons – forthcoming decisions published since 01/09/2020)

In presenting the following, the Committee’s attention is drawn to the agenda item notes in respect of Overview and Scrutiny Procedure Rule 13.

DESCRIPTION OF DECISION	KEY DECISION – YES/NO	DECISION MAKER	Decision Due Date
<u>Communications Strategy</u>	Yes	Cabinet	23/04/21
<u>Executive and Overview & Scrutiny Protocol</u>	No	Council	16/03/21
<u>Motion to Council - Development Sites for Council Housing</u>	No	Council	16/03/21
<u>Freehold Disposal of nine bus shelters throughout Tendring</u>	Yes	Cabinet	19/02/21
<u>Tourism Strategy for Tendring</u>	Yes	Cabinet	19/02/21
<u>CCTV Code of Practice</u>	Yes	Cabinet	19/02/21
<u>Review of the Constitution</u>	No	Cabinet	19/02/21
<u>Budget & Council Tax Setting for 2021/2022 Financial Year</u>	No	Corporate Finance & Governance Portfolio Holder	16/02/21
<u>Terms for a new lease over Bateman's Tower, Brightlingsea</u>	No	Corporate Finance & Governance Portfolio Holder	09/02/21
<u>General Fund Budget 2021/22</u>	No	Cabinet	29/11/21

THE DATE FOR THE DECISION ON THE FOLLOWING MATTERS HAS NOW PASSED

<u>HRA Budget 2021/22</u>	No	Cabinet	29/01/21
<u>Cabinet Priorities and Performance Reporting</u>	No	Cabinet	29/01/21
<u>Executive & Overview and Scrutiny Protocol</u>	No	Cabinet	29/01/21
<u>Reference from the Planning Policy & Local Plan Committee - Formal Adoption of Section 1 of the Local Plan following the receipt of the Planning Inspector's Final Report</u>	No	Council	26/01/21
<u>Entering into a Memorandum of Understanding for Eastern Community Homes' Local Authority Partnership</u>	No	Corporate Director (Operations and Delivery)	19/01/21
<u>Charging procedure in respect of Wayleave Agreements from BT or Openreach.</u>	No	Assistant Director (Building & Public Realm)	19/01/21
<u>Business Rates Base (NDR1) for 2021/22</u>	No	Corporate Finance & Governance Portfolio Holder	19/01/21
<u>External Support for Anti Social Behaviour Matters.</u>	No	Assistant Director (Governance) & Monitoring Officer	19/01/21
<u>Freeport East website.</u>	No	Assistant Director (Economic Growth & Leisure)	18/01/21
<u>Terms for new lease over Putting Green & Croquet Lawn, Lower Marine Parade, Dovercourt</u>	No	Corporate Finance & Governance Portfolio Holder	14/01/20
<u>Ground Maintenance Equipment</u>	No	Assistant Director (Building & Public Realm)	12/01/21

<u>Request for Quotations - National Heritage Trail</u>	No	Assistant Director (Economic Growth & Leisure)	18/12/20
<u>Terms for a new lease over Skating Rink, Dovercourt</u>	No	Corporate Finance & Governance Portfolio Holder	17/12/20
<u>Terms for a new lease over land & property, Lower Marine Parade, Dovercourt</u>	No	Corporate Finance & Governance Portfolio Holder)	17/12/20
<u>Acceptance of Additional Restrictions Grant from ECC</u>	No	Assistant Director (Economic Growth & Leisure), Deputy Chief Executive & Corporate Director (Place and Economy)	11/12/20
<u>Release of S106 Monies for Frinton Park Tennis Courts</u>	No	Assistant Director (Building & Public Realm)	07/12/20
<u>Flood Memorial Garden Harwich</u>	No	Assistant Director (Building & Public Realm)	06/12/20
<u>Acceptance of SELEP Grant</u>	No	Assistant Director (Economic Growth & Leisure)	01/12/20
<u>Proposed schedule of fees and charges 2021/22 for Careline, CCTV and Print Unit.</u>	YES	Assistant Director (Partnerships)	26/11/20
<u>Release of S106 monies improvements at Play Area Frinton.</u>	No	Assistant Director (Building & Public Realm)	25/11/20
<u>Memorandum of Understanding covering the Tendring Colchester Borders Garden Community Housing Infrastructure Fund</u>	No	Deputy Chief Executive & Corporate Director (Place and Economy)	12/11/20

The Council's notice of forthcoming decisions can be found on the Council's Website at:-

<https://tdcdemocracy.tendringdc.gov.uk/mgDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=0&META=mgforthcomingdecisions&v=0&bcr=1>

Resources and Services Overview and Scrutiny Committee
01 February 2021

RECOMMENDATIONS MONITORING REPORT
 (Prepared by Keith Simmons)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<p>Resources and Services Overview and Scrutiny Committee held on 22 June 2020 (Minute 62 refers)</p> <p>FINANCIAL PERFORMANCE REPORT: IMPACT OF COVID-19</p> <p>The Committee RECOMMENDED TO THE CABINET that:</p> <p>[...]</p> <p>(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.</p> <p>[...]</p>	<p>On 11 September Cabinet approved:</p> <p>(a) That the RSOS Committee is thanked for the work they have undertaken; and</p> <p>(b) That Cabinet notes the comments raised, which will be considered as part of associated activities going forward.</p> <p>The Portfolio Holder for Corporate Finance and Governance made the following comments:</p> <p>[...]</p> <p><i>In respect of point (b), a lot of work is undertaken within the framework of the long term forecast in terms of keeping an eye on potential cost pressures that the Council faces, such as cliff stabilisation that the Committee refers to. Such considerations will continue to be an important element of the long term forecast in 2020/21 and beyond. In addition, the Council continues to support the approach of keeping work in-house</i></p>	<p>The Resources and Services Overview and Scrutiny Committee on 21 September 2020 (Minute 85 refers) requested an update in relation to an item regarding the cliff stabilisation survey, to clarify whether the Portfolio Holder's response included a District-wide survey as recommended.</p>

	<p><i>wherever possible, which has already proved a success with the management of previous cliff stabilisation work that has been completed on time and within budget.</i></p> <p>[...]</p>	<p>At the Committee’s meeting on 14 January 2021, it was advised:</p> <p>“The £4m capital allocation is for specific works to two slipped areas in Holland on Sea.</p> <p>A previous piece of high level consultancy linked to the recently completed cliff stabilisation package identified that all of the cliffs owned by the Council have low factors of safety and could be subject to future movement. In general secure slopes of this type would be at 18o and those owned by the Council are as steep as 30o in places.”</p>
<p>Resources and Services Overview and Scrutiny Committee held on 22 June 2020 (Minute 68 refers)</p> <p>OVERVIEW AND SCRUTINY OF HOUSING ISSUES</p> <p>The Committee RECOMMENDED TO THE CABINET that:</p> <p>(a) Cabinet be recommended to develop a public engagement plan in respect of financial assistance for private sector</p>	<p>On 11 September Cabinet noted and endorsed the following comments of the Housing Portfolio Holder’s response to the recommendations of the Resources and Services Overview & Scrutiny Committee.</p> <p>“[...].</p> <p>I therefore accept the recommendations (a) [...] as proposed above.</p>	<p>The Resources and Services Overview and Scrutiny Committee on 21 September 2020 (Minute 85 refers) requested:</p>

<p>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;</p> <p>[...]</p> <p>(d) 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.</p>	<p>In respect of (d) the Maintenance contract is tendered as a seven year contract and as such I propose to carry out a review after one year to ensure that the contract is being run properly and to ensure an appropriate balance between the in-house and contracted maintenance delivery.”</p>	<p>In respect of (a) - whether the recommendation in relation to a public engagement plan as well as more information to the public in relation to the grants available, had been implemented.</p> <p>In respect of (d) – whether this OSC could be part of that review proposed by the Portfolio Holder.</p> <p>The Committee may wish to raise these matters with the PfH or officers at the meeting on the 1 Feb 2020.</p>
<p>Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 86 refers)</p> <p>SCRUTINY OF THE WASTE AND RECYCLING COLLECTION SERVICE</p> <p>The Committee RECOMMENDED TO THE CABINET that</p>	<p>On 18 December 2020 Cabinet RESOLVED that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Environment and Public Spaces Portfolio Holder, in response thereto, be endorsed.</p> <p>The comments of the PfH were as follows. <i>“I would like to thank the Chair and the Committee for their recommendations and I too share their ambitions and future aspirations for the waste and</i></p>	

<p>1. that the Committee's recommendation from 17 February 2020 about waste minimisation information to residents (perhaps in the council tax leaflet) be repeated;</p> <p>2. that the Cabinet be invited to set the aspiration for this Council over the next four years to reach the mean level of recycling for all local authority districts in the East of England;</p> <p>3. that (further to (2) above) the aspirational information presented to the meeting be assessed and an action plan be developed to take the relevant ones forward in the short, medium and long term and aimed at achieving the aspiration referenced. This action plan to be submitted to this Committee for its overview.</p> <p>4. that work with primary schools on waste reduction, minimisation and recycling should start at the first practical opportunity and details of such involvement be passed to the relevant ward councillors in advance of such work commencing. Cabinet should also explore the possibility of funding for schools to support recycling efforts;</p> <p>5. that details of all bring sites be submitted to the Committee detailing the recycling available, the extent of use as far it is known, the collection frequency and the plans for improving them, the range of</p>	<p><i>recycling services provided to the residents of Tendring by this authority.</i></p> <p><i>The officers continue to work tirelessly not only to improve and enhance our network of bring sites but to deliver projects over the period of the current contract which will provide residents with new opportunities to recycle more and reduce the amount of waste sent to Landfill.</i></p> <p><i>I also look forward to the appropriate time when they can engage with primary school students in promoting the key messages of waste reduction and recycling, a key message which hopefully once installed in to them at an early age will stay with them throughout their adulthood and perhaps even share with their parents.</i></p> <p><i>In relation to the aspiration to reach the mean level of recycling as compared against all local authorities in the East, with so many different waste and recycling arrangements in place, as Portfolio Holder we must ensure that any comparisons made to other authorities is based on a like for like basis and in doing so will provide us with a true and meaning comparison."</i></p>	
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<p>recycling to be made available to extend that provision and address any excess of use over capacity for it and the signage at those sites to be clear that side waste should not be left.</p>		
<p>Resources and Services Overview and Scrutiny Committee held on 21 September 2020 (Minute 87 refers)</p> <p>LEISURE PROVISION BY THE COUNCIL IN THE DISTRICT</p> <p>The Committee RECOMMENDED TO THE CABINET that</p> <ol style="list-style-type: none"> 1. the Committee, whilst noting the intentions of a sports and leisure strategy to be considered in early 2021, nevertheless requests that such strategy be brought forward as early as possible as it believes that the additional time will ensure that the strategy can address the issues facing the District, including encouraging people to progress from being fairly active to active and from inactive to fairly active and with provisions for those with disabilities. The Committee would welcome the early sight of the emerging strategy and the associated action plans to support delivery of that strategy. The strategy itself, should rightly address the position beyond COVID. 	<p>On 18 December 2020 the Cabinet RESOLVED that the comments and recommendations of the Resources and Services Overview and Scrutiny Committee be noted and the comments of the Leisure & Tourism Portfolio Holder, in response thereto, be endorsed.</p> <p>The comments of the PfH were as follows. <i>“The Portfolio Holder for Leisure and Tourism welcomes the comments of the Resources and Services Overview and Scrutiny Committee. The emerging Sports Facilities strategy has rightly been postponed until there is a stable operating position for our Leisure Facilities and robust, long term decisions can be made. The strategy will be subject to consultation with the committee as well as wider partners and stakeholders. The planned Leisure Centre refurbishment has been carefully prepared by appropriately skilled and experienced professionals and the specification of works will be robust and invite proposals for carbon reduction. The Committee will have noted the refurbishment of Clacton Skate Park was incorporated in the short term plans for the Council’s Back to Business report. Officers will now work with park users to take the project forward and meet the aspirations of local people. The Council has set out its objectives for branding in the draft Tourism Strategy, which</i></p>	

<ol style="list-style-type: none">2. the Committee notes that intentions for the redevelopment of Clacton Leisure Centre has been shelved for the end of this calendar year but reminds the Cabinet that this Committee has previously requested that the consultation with users should be undertaken and a detailed examination of the costs of the works be undertaken in order to secure value for money and a positive contribution to the Council's aims of reducing its carbon foot print.3. proposals around refurbishing the Clacton Skate Park be pursued and that the associated lessons from the site in Dovercourt as delivered to Harwich Town Council, be harnessed.4. the previous issue, of the vital importance of consistent and common branding as previously identified by this Committee in respect of tourism, should also be applied to leisure services in order to help promote the area and its facilities to both residents and visitors.5. all tenders for improvements to the Council's leisure facilities should contain a specific recommendation in respect of energy efficiency costs and savings and the long term impact of	<p><i>will be finally considered in the New Year, following a period of consultation."</i></p>	
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<p>the carbon foot print of Tendring District Council.</p> <p>6. the Sports Facilities Strategy should focus on the District as a whole.</p>		
<p>Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 107 refers)</p> <p>TRANSFORMATION OF DIGITAL SERVICES</p> <p>It was RESOLVED that the Cabinet be informed that this Committee endorses the principle that Councillors be consulted on the IT kit that is to be provided to them to fulfil their roles as Members.</p>	<p>TO BE REPORTED TO THE MEETING OF CABINET TO BE HELD ON 29 JANUARY 2021</p>	
<p>Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 108 refers)</p> <p>TRANSFORMATION OF DIGITAL CUSTOMER SERVICES</p> <p>Following a detailed discussion it was RECOMMENDED TO CABINET that:</p> <ul style="list-style-type: none"> the development time frames and future services to be made available on My Tendring be shared 	<p>TO BE REPORTED TO THE MEETING OF CABINET TO BE HELD ON 29 JANUARY 2021</p>	

<p>periodically with Councillors, together with volume of customer services calls and email contact information, including call numbers, durations of call waiting and abandoned calls, with appropriate bench marking information from other organisations.</p> <ul style="list-style-type: none">• the prospect of creating a seamless link between My Tendring and my permit for parking permits is actively explored.• council tax billing and other services be asked to deliver those services in a way that avoids overloading the customer services team incoming call capacity, e.g. by spreading the dispatch of council tax bills.• the development of the leisure app be urgently addressed.• the Council look at joining the Institute of Customer Service.• the progress of the transformation agenda and how the Council has responded to the COVID19 pandemic in its ability to work from home be noted and applauded.		
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<p>Resources and Services Overview and Scrutiny Committee held on 3 December 2020 (Minute 109 refers).</p> <p>TRANSFORMATION AGENDA OF COUNCIL- STAFFING.</p> <p>It was RECOMMENDED TO CABINET that the adaptability of the staff and Councillors in relation to the restrictions introduced for COVID19 to continually deliver success, be formally recorded and appreciated.</p>	<p>TO BE REPORTED TO THE MEETING OF CABINET TO BE HELD ON 29 JANUARY 2021</p>	
<p>Resources and Services Overview and Scrutiny Committee held on 14 January 2021 (Minute 116 refers).</p> <p>FINANCIAL FORECAST/BUDGET 2021/22</p> <p>It was RESOLVED that the CABINET be RECOMMENDED that:</p> <p>(a) In respect of future outturn positions on the Council's annual budget, to allocate as a priority any available underspend following permitted carry forwards to extend further the measures to achieve the Back to Business Agenda of the Council. Resources and Services Overview and Scrutiny Committee 14 January 2021</p> <p>(b) Further to (a), to establish a Business Roundtable for the District as part of the</p>	<p>TO BE REPORTED TO THE MEETING OF CABINET TO BE HELD ON 19 FEBRUARY 2021</p>	

Back to Business Agenda and to inform that Agenda going forward.

(c) To reassess all the current reserves, provisions and one off sums allocated by the Council to determine whether they were still required, relevant to the Council's Corporate Plan and the associated sum was at the appropriate level and:

(i) to re-allocate sums such as those for the Clacton Town Centre Fountain and Residents Free Parking (where the cost has been incorporated in the base revenue budget) to more closely align with the Corporate Plan priorities of the Council.

(ii) to identify the specific intentions for the £1.585M for Business Investment and Growth Projects reserve or otherwise look to reallocate that reserve.

(iii) To allocate a further £56k to resourcing public realm improvements across the District (supplementing and extending the £44k set aside to fund '2 One year fixed term posts to support improvements to the overall appearance of the District') thereby allocating a total of £100k to this initiative in total.

(iv) From the reallocation process, and in recognition of the additional £110k in recycling credits achieved by the Council in 2020/21, to identify £10k to improve

recycling bring sites operated by the Council in the District to improve the attractiveness of those sites, signage at and to those sites and thereby further encourage their use and address relevant issues at those sites.

(d) To request that proposals for use of the Tendring Community Fund be developed swiftly so that these can be put in front of a meeting of the Portfolio Holder Working Party on the Tendring Community Fund without delay.

(e) To identify whether existing funding in the revenue budget and reserves, provisions and one-off sums enables the Council to support measures adequately to address the mental health needs of the local population as we ultimately come out of covid-19 pandemic restrictions and if this is found to be insufficient to look to providing funding to achieve this.

(f) To pro-actively assess and monitor the resources required to deliver a dynamic and expansive Tourism Strategy for the District (and the Year 1 delivery plan to accompany that Strategy) to maximise the advantage to the District as soon as covid-19 pandemic restrictions are lifted and extending beyond the normal summer season.

It was further **RESOLVED** that:

(a) The work underway in respect of 'auditing' one off sums and the schemes they are intended to fund and to review progress with this at the March meeting of the Committee. That this review should include details of the original decision to allocate the funds and an assessment as to whether the scheme is on target to be delivered.

(b) The receipt, allocation, timing and use of section 106 funds to support community infrastructure associated with development in the District be reviewed by the Committee as part of its work programme. Resources and Services Overview and Scrutiny Committee 14 January 2021

(c) The Chairman of the Committee is requested to urge the Portfolio Holder for the Environment to undertake further efforts with Essex County Council and Highways England to secure a good level of cleaning on the A120 and A133 in view of the extensive uses of those roads and the impression given to visitors that litter is acceptable from the current level of rubbish alongside those roads.

(d) That the Community Leadership Overview and Scrutiny Committee be invited to consider the mental health support to residents referenced above in recommendation to the Cabinet (e).

Resources and Services Overview and Scrutiny Committee held on 14 January 2021 (Minute 117 refers).

**HOUSING REVENUE ACCOUNT
BUDGET PROPOSALS 2021/2022**

It was **RESOLVED** that **CABINET** be **RECOMMENDED** to set a target level for reducing void periods in 2021/22 in the housing stock with a view to providing specific focus to those measures.

TO BE REPORTED TO THE MEETING OF
CABINET TO BE HELD ON 19 FEBRUARY 2021

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Resources and Services Overview and Scrutiny Committee (OSC)

Work Programme 2020/21

SCRUTINY PROPOSALS FOR THE REMAINDER OF NEXT MUNICIPAL YEAR

Article 6.01 of the Council's Articles and Rule 7 of the Council's Overview and Scrutiny Procedure Rules both require each OSC to submit a work programme for the year ahead and a review of the previous year's activities to the Annual Meeting of the Council for approval.

The Committee will need to determine its programme for scrutiny in 2020/21; including items covered, the scope of the programmed reviews and whether Portfolio Holders or others are to be invited to present to them. Specific information requirements of Councillors to undertake the programmed reviews should also be identified as should any Councillor development needs.

The following have been identified to this point:

Date of Committee Meeting	Broad topic for examination	Matter to be examined and the purpose of the examination	Relevant Portfolio Holder(s)/Outside bod(y)(ies)	Relevant TDC Officer
1 February 2021	Housing	To examine the intended Housing Acquisition Strategy – to assess right to buy numbers, values, type and age of housing and impact on the risk appetite for Council house building. Plus to consider the progress deliberations around a Pension Provider providing a lease-back housing development.	Cllr P Honeywood	Tim Clarke Richard Barrett

		The meeting will also examine the use of Community Infrastructure Levy/section 106 funds to provide facilities/services and infrastructure.		
29 March 2021	Housing	To look at proposal for the sale of the Weeley site – any progress that has been made since the discussion with the OSC on the 16th of November (Part b minute 94 refers). This will include questions in relation to the build/quality of the proposed properties, any strategy we have, as well as how this will impact TDC financially. Consideration of this item was deferred with permission of the Chairman on the Committee.		Andy White Richard Barrett
	Tourism	To scrutinise the draft Tourism Strategy as approved by Cabinet on 11 September 2020 and associated with this, the Committee will enquire in respect of: <ul style="list-style-type: none"> • Marketing of the varied activities, events and attractions across the district to audiences likely to be attracted to (or return to) the area to secure not just attendance at a specific event but to venture out and use other facilities/attractions. The market segmentation evidence to support those decisions will also be considered. • The positive contribution that a well maintained public realm; buildings, street furniture, cleaning and weed control on the visitor experience. • The Committee is interested to look at possible measures to drive up the quality of guest accommodation 	Alex Porter	Paul Price/Mike Carran

		<ul style="list-style-type: none"> • In respect of disabled access, that access to beaches and the sea (and plans to extend it) will be discussed. The Committee would like to explore whether there is an opportunity for the area to be exemplar for disabled access to the coastal facilities/attractions. Associated provision of changing facilities will form part of this work. • Local 'wayfinding' information and signage, including consistent branding to attract use of facilities is a stream of work to be included in this review. • The support for water sports will be examined including the designation of specific areas for this and the sign posting of those areas. • The opportunities for group travel and the promotion of those will be looked at. <p>The development of a year round set of events to encourage out of season/a lengthened season approach to support tourism will be a topic for discussion.</p>		
24 May 2021		To be determined		

SCRUTINY TO BE PROGRAMMED

Topic	Detail and Comments	Lead Officer(s)
Street Cleaning and the condition of the Public Realm	Proposal from Cllr Placey:	Damian Williams, Andy White and John Hamlet

	The 'new' super new machine – is it operational given reports about evidence of bird excrement, cigarette butts and old gum marks. Is cleaning predominantly of the “fountain” area and the proms? What are the service standards in that area and more widely (for roads and pavements). Plus dog waste, bins, campaigns around responsible owners, reporting and enforcement.	
Local Government Reorganisation	<p>Proposal from Cllr Steady:</p> <p>The reform as explained would affect our transformation policy thereby needing our budget plans to be reviewed</p>	Ian Davidson

SCRUTINY UNDERTAKEN TO THIS POINT IN THE MUNICIPAL YEAR

Meeting Date	Topics	Detail
22 June 2020	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	<p>The Committee considered each of the decisions taken by the Leader of the Council during the peak of the First national Lockdown associated with the Covid-19 lockdown. These decisions included the following which the Committee commented upon:</p> <p>a) Use of the Tendring Community Fund to allocate £1000 per member to support those organisations supporting residents in the first lockdown - acknowledged as a success.</p> <p>b) The write off of the Leisure fees to be recognised as soon as possible.</p> <p>c) That the waiving of rents to those in receipt of support through the CAROS Scheme – it should be extended through July and August 2020.</p>

		<p>The Committee also recommended that the Cabinet consider a secondary payment of the Tendring Community Fund in light of a possible second wave of COVID-19.</p>
	Financial Performance Report: Impact of Covid-19	<p>The Committee looked at the financial impacts on the Council of the First Lockdown associated with the Covid-19 Pandemic. 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. In respect of council tax collection, as at the end of April, 11.29% of the total annual budgeted amount had been collected. The picture for business rates was a little further behind the collection performance compared with the same period last year (at 10.39% of the total annual amount budgeted). 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. The Government recognised the issue being faced by Local Authorities and had provided blocks of funding to offset losses. In addition, the Council held uncommitted reserves of £4,000,000 which take into account the need to react to emergency situations such as the one currently being faced. To date, through robust treasuring management practices, the Council had not experienced any major cash flow issues.</p> <p>The Committee was also advised of the two following items which could also impact on the Council's financial position:</p> <ul style="list-style-type: none"> • Potential Cremator Replacement – potential cost £1.5m+ • Cliff stabilisation works – potential cost £4.0m+ <p>The Committee considered that a District wide survey around Cliff Stability should be commissioned as part of the preparations for such costs occurring in the short, medium and long term.</p>
9 July 2020	Housing Issues	<p>The work of the Committee at this meeting centred on the following areas concerning Housing:</p> <p>(a) Private Sector Housing Financial Assistance Policy - specifically Disabled Facilities Grants: the processes, the timescales, any obstacles to delivery and options for solutions (and whether those options have been pursued) and the</p>

		<p>relative advantages of pooling. The report and the appendix to that report submitted to Cabinet at its meeting held on 26 June 2020 were submitted to this meeting.</p> <p>(b) Vacated/Empty Council Housing ('Voids') - the numbers of empty properties there have been over the past year, the proportion that those represent 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 are 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. The enquiry also covered 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 planning for sustaining the work now and in the future.</p> <p>(c) Council Housing Tenant Satisfaction and Involvement - the measurement processes in relation to tenant satisfaction levels and tenant participation arrangements.</p> <p>(d) New Build of 10 Council Houses in Jaywick Sands - the project and delivery of those 10 houses and whether there are lessons for further development there and for the emerging Acquisitions and Development Strategy of the Council.</p>
13 August and 3 September	Back to Business	<p>The Committee was invited to consider the 'Back to Business' agenda as restrictions on social and economic activities eased (at the time) following the first lockdown starting in March 2020 in response to the Covid-19 pandemic. Having considered the matter the Committee made extensive submissions to the Council's Cabinet on the approach to 'Back to Business', by way of particular schemes, themes and the development of a fully costed programme with defined timelines.</p>

		The Committee recorded its intention to review the adopted Cabinet plans for 'back to Business'.
	Financial Outturn 2019/20	The Committee considered 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. These included the decision to allocate £862k from the 2019/20 General Fund Outturn variance to 'Back to Business' Initiatives and associated activities. The Committee determined that further work was required in respect of reserves and provisions and the delivery of projects. It called for 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.
21 September 2020	Waste and Recycling	<p>The Committee considered the Portfolio Holder's future ambition for the service; including improving recycling levels further over the remainder of the contract with Veolia in respect of waste collections.</p> <p>The Committee was also advised that arranging a site visit for all Councillors to waste and recycling centres as part of developing understanding by Councillors of these activities had been delayed due to the restrictions during the Covid-19 Pandemic.</p>
	Leisure Provision	<p>The Committee examined:</p> <ul style="list-style-type: none"> • The emerging district-wide Leisure Strategy as previously reported to it – progress with the development of the Strategy • The refurbishment of the Clacton Leisure Centre – reviewing arrangements for the refurbishment since they were last presented to the Committee. • The sale of land to Clacton County High School, community access to the pitches on that land, management of that community access and the conditional

		<p>works on the existing 3G pitches at the Leisure Centre and information on progress/timescales</p> <ul style="list-style-type: none"> • The refurbishment of the Skate Park at the Leisure Centre and specifically plans and timescales for this.
16 November 2020	Transformation Agenda of the Council – and delivery against it	<p>Looking holistically at this work stream, including: Looking holistically at this work stream, including:</p> <ul style="list-style-type: none"> • Delivery to the public (24/7 services/improved access),* • Staff (IT* and flexible working, home working and productivity), and • Buildings (rationalisation, modernisation and reduced running costs), • Councillors (including IT for them/Modern.Gov).* <p>*The Committee will be invited to determine a date for an additional meeting of the Committee in late November/early December to consider just the highlighted elements of the transformation strategy.</p>
	Review of Reserves and Provisions	<p>The Committee on 13 August 2020 resolved (among other things) as follows as relevant to this meeting:</p> <p><i>That Cabinet be recommended to] 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.</i></p> <p>A meeting of the Committee’s Chairman with the Portfolio Holder for Corporate Finance and Governance is scheduled for 9 November 2020. The outcome of that meeting will be reported by the Chairman to the Committee’s meeting</p>
	Back to Business	<p>The Committee examined the report to Cabinet on ‘Back to Business’ which sets out a Council wide plan to support the District’s recovery from the ongoing Covid-19 pandemic and agree a number of short term actions in</p>

		advance of a wider delivery plan being adopted. The decision of Cabinet will be scrutinised.
	Financial performance Report Q2 2020/21	The Committee examined the report to Cabinet scheduled for its 13 November 2020 which will (1) set out the position of the Council's income and expenditure at the end of Q2 against the budget along with (2) the updated long term financial forecast.
3 December 2020	Update on the Transformation of Digital Services	<p>The purpose of the report was to update the Committee on the transformation progress specifically from an IT/ digital perspective. Namely;</p> <ol style="list-style-type: none"> 1. The 'My Tendring' customer self-service portal. 2. Cloud Migration, Business Continuity And Flexible Working 3. The council's Leisure and Tourism App. 4. Re-Design of the Council's Data (and voice) Network 5. The Five9s contact centre application 6. Councillors' IT
	Update on the Transformation of Digital Customer Services	The Committee looked at the progress made towards the digitising of Customer Services.
	Transformation Agenda of the Council - Staffing	The Committee had an overview into the Transformation Agenda of the Council – and delivery against it regarding staffing (flexible working, home working and productivity).
11 and 14 January 2021	Budget Setting for 2021/22	<p>Looked at the Medium Term Financial Strategy (MTFS) and the anticipated budget for 2021/22</p> <p>[Note: a discussion between the Committee's Chairman, Assistant Director Finance and IT and Head of Democratic Services & Elections took place on 17 September and looked at the programming of these meetings. The outcome of that discussion is set out below:</p> <p>(1) Approval of fees and charges would be by individual Portfolio Holder and so forthcoming decisions around those would be published and the OSC would</p>

		<p>see those and determine whether it proposed to scrutinise those fees (just as it did for any other Cabinet/Portfolio Holder decision).</p> <ol style="list-style-type: none">(2) The reports to the respective Portfolio Holder on Fees and Charges would identify major variances so that these are clear to the reader. Otherwise it would identify the broad basis for general changes to fees.(3) The 11 January meeting of the OSC scheduled to look at the budget would be maintained for 2020. The papers for the OSC were circulated well in advance and Committee members asked to identify the questions they wanted to ask on the budget. Those questions were collated and circulated prior to the meeting and they formed the lines of enquiry at the meeting. The practice of going page by page or line by line through the budget would not be factored into the meeting.(4) The MTFs would be next reviewed by Cabinet on 9 October. That would be subject to scrutiny by the OSC as it sets out the overall approach to the income and expenditure of the Council to meet its ongoing needs.(5) The intended meeting of the OSC Chairman and the Deputy Leader to look at reserves and provisions was arranged and looked at delivery of those schemes as and projects for which funding had been made available to ensure that the OSC could, over time, scrutinise the timing of decisions to establish reserves/provisions and the mechanism for managing the implementation of those schemes/projects. It was intended that the process would assist the OSC to consider Corporate Plan Priorities and Projects in advance and then delivery of them.(6) The report template for OSC reports would be reviewed to provide for the Assistant Director of Finance to provide details of the budget for the service being scrutinised alongside the service department's comments on its service etc. <p>The above would be reviewed following the planned meeting referred to in (5) above.</p>
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