



COMMITTEENAME

DATE:	MeetingDate
TIME:	MeetingTime
VENUE:	MeetingLocation

MEMBERSHIP:	
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DATE OF PUBLICATION: DEADLINE(PUBAGENDA)

AGENDA

Date of the Next Scheduled Meeting

The next scheduled meeting of the CommitteeName is to be held in the NextMeetingLocation at NextMeetingTime on NextMeetingDate.

Information for Visitors

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**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 18TH MAY, 2021 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Bush, Casey, Chapman, Clifton, Codling, Coley, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, Knowles, Land, McWilliams, Miles, Morrison, Nash, Newton, Placey, Porter, Scott, Skeels, Steady, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Assistant Director (Governance) and Monitoring Officer), Keith Simmons (Head of Democratic Services & Elections), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)
Also in Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections))

17. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Barry, Calver, Davidson and G L Stephenson.

18. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - WEST CLACTON & JAYWICK SANDS WARD

The Returning Officer (Ian Davidson) formally reported that the result of the by-election in the West Clacton & Jaywick Sands Ward of the District held on 6 May 2021 had been as follows:-

James Edward Machin	110 votes
Stuart David Morgan	21 votes
Jayne Belinda Nash	500 votes
Bradley Patrick Thompson	395 votes
Andrew Paul White	140 votes
Andrew Ian Wood	32 votes

Jayne Belinda Nash had been therefore duly elected a Councillor for the West Clacton & Jaywick Sands Ward of the District of Tendring and had made a Statutory Declaration of Acceptance of Office.

The Chairman of the Council and the Leader of the Council both congratulated Jayne Nash on her election. Members gave Jayne a round of applause.

Council noted the foregoing.

19. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - EASTCLIFF WARD

The Returning Officer (Ian Davidson) formally reported that the result of the by-election in the Eastcliff Ward of the District held on 6 May 2021 had been as follows:-

Andrew Phillip Hartnell Baker	414 votes
Daniel Richard Mayzes	18 votes
Mary Elizabeth Pitkin	13 votes
Michael John Daniel Skeels	294 votes
Eric William Speller	118 votes
Simon Jonathan Wigley	44 votes

Andrew Phillip Hartnell Baker had been therefore duly elected a Councillor for the Eastcliff Ward of the District of Tendring and had made a Statutory Declaration of Acceptance of Office.

The Chairman of the Council and the Leader of the Council both congratulated Andy Baker on his election. Members gave Andy a round of applause.

Council noted the foregoing.

20. MINUTES OF MEETINGS OF THE COUNCIL

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

RESOLVED that the minutes of the ordinary meeting of the Council held on 16 March 2021 and of the annual meeting of the Council held on 27 April 2021 be approved as correct records and be signed by the Chairman.

21. DECLARATIONS OF INTEREST

There were none on this occasion.

22. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

VE Day Commemorations

The Chairman of the Council (Councillor Bray) informed Members that he had been pleased to participate in a filmed ceremony commemorating VE Day. He thanked Councillor Casey for his assistance and efforts given on behalf of The Royal British Legion.

St John's Ambulance Appreciation

The Chairman informed Council that, on 24 May 2021, the Town Hall, along with many other civic and other buildings around the country, would be lit up in Green as a mark of appreciation for the immense work undertaken at all times by the St John's Ambulance.

Civic Events

The Chairman informed Members that he and his Vice-Chairman (Councillor Harris) were holding discussions around the potential for civic events. The themes for any such events would be "raising the profile of the District" and "raising smiles".

Addressing the Chairman

Pursuant to the requirements of Article 5.03 of the Council's Constitution, the Chairman of the Council announced that he was content to be addressed in meetings by any of the following preferred terms:-

Chairman;

Chair; or

Chairperson.

23. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

24. STATEMENTS BY THE LEADER OF THE COUNCIL

Recent Elections

The Leader of the Council (Councillor Stock OBE) referred to the recent elections for the Police, Fire and Crime Commissioner for the Essex Police Area; for Essex County Councillors; and for Tendring District Council in two by-elections. He congratulated all of the successful candidates, especially the eight County Councillors representing the District of Tendring. He also thanked all of the other candidates for their participation in the democratic process especially so during the on-going coronavirus lockdown.

Councillor Stock thanked the Returning Officer (Ian Davidson) and all of his staff for their terrific achievement in running the elections so smoothly despite the very challenging prevailing circumstances.

Ian Davidson, Chief Executive

The Leader congratulated Ian Davidson on reaching ten years as the Council's Chief Executive. He reiterated what it a sound appointment it had been by the Council. Members showed their appreciation with a round of applause.

Councillor Morrison took the opportunity to thank Ian Davidson and Anastasia Simpson, Assistant Director (Partnerships) for their valuable assistance in an organisational review of Harwich Town Council.

25. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

The Environment & Public Space Portfolio Holder (Councillor Talbot) made the following statement:-

"Dear Colleagues,

My last statement on Climate Change was made on 16th March with our AGM between then and now, so today is the next Full Council Meeting at which a Statement can be made.

On Wednesday 21st April I called a meeting of responsible officers to a 'teams' session to discuss any forward plans TDC have about the move towards the electrification of our vehicle fleet, and the creation of Electric Vehicle (EV) Charging points on Council owned land and Car Parks, all as part of the District Council's aim to become net zero carbon by 2030.

It was apparent both when hearing verbal reports at the meeting and receiving the information distributed beforehand, that a very great deal of work has been done to move towards the Council's confirmed objectives.

The Meeting had a list of the 17 most workable Council Car Parks where EV Charging points should be located and a suggested order of priority, chosen from our 39 parking sites.

We had a report on two non-fossil fuels which could be used to replace current fuel in advance of electrification. They are both news to me and were a fuel called HVO (Hydrotreated Vegetable Oil) and another alternative fuel called "Shell GTL" which rather conveniently is available from our current fuel providers Certas. The report detailed the pros and cons of both these fuels, including the cost per litre of each.

We had a copy of our vehicle 'Fleet List' showing those that we own and those that we lease Including each vehicle's leasing cost, with a full tabulation of each vehicle's details, and the year-by-year replacement programme up to 2023/24.

When speaking about EV owners' domestic Charging Points, they are to be encouraged, but as Ian Taylor reminded those present, we have many residents who live in terraced properties and they cannot have a charging point at home, without the cable stretching out over the pavement! We must make separate provision for those residents, perhaps by allowing them to use the charging points proposed for our Council Car Parks?

The commitment and enthusiasm of our Officers was a pleasure to witness, though charged with a note of caution, referring to all that is in the pipeline, to exercise some caution as all this needs to be balanced against – new and improving technology and not over committing ourselves too early.

My thanks to the officers who attended Damian Williams, Ian Taylor, Andy Nepean and James Hill representing the service, and Tim R. Clarke, our Climate Change Officer.

I am also pleased to report that my colleague Alex Porter dealing with ‘Seafronts’ has approved the go-ahead of a trial of 23 Solar LED streetlights in 7 roads in the Brooklands area of Jaywick Sands, and that competitive tenders will be sought to provide these lights and undertake the work. These lights have NO electricity consumption and therefore ZERO net emission in use. When you realise that TDC is responsible for 191 streetlights in the District and 104 of these are in Jaywick Sands, our Climate Change objective in the longer term will not only reduce emissions but will save us money!

Changing the subject again. On the 22nd of March as you know I wrote to all Town and Parish Councils, with the authority of the Cabinet, asking them to consider adding Climate Change to their own Agendas and to consider just how in their own area, they might contribute to the battle against Climate Change. Some authorities were already taking action of their own before I wrote, but I do intend after consulting my Cabinet Colleagues, to write again to Towns and Parishes, asking if they can let me know of any action their Council is taking arising from the above request. I have no wish to interfere with their sovereign powers, but I am just asking for information. I will of course report this to Members in my next statement to Council on 13th July. Thank you colleagues for your attention.”

Councillor Talbot then responded to questions put to him by Councillors I J Henderson, Allen, Baker and Griffiths.

26. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

27. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No Questions had been submitted in accordance with Council Procedure Rule 10.1 on this occasion.

28. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

29. MINUTES OF COMMITTEES

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

RESOLVED that the minutes of the following Committees, as circulated, be received and noted:-

- (a) Community Leadership Overview & Scrutiny of Monday 22 March 2021;
- (b) Audit of Thursday 25 March 2021;
- (c) Standards of Wednesday 21 April 2021; and
- (d) Audit of Thursday 22 April 2021.

30. MOTIONS TO COUNCIL

No Motions to Council had been submitted by Councillors in accordance with the provisions of Council Procedure Rule 12 on this occasion.

31. RECOMMENDATIONS FROM THE CABINET

There were no recommendations submitted from the Cabinet for the Council to consider on this occasion.

32. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were no reports submitted by an overview and scrutiny committee for the Council to consider on this occasion.

33. REPORT OF THE CHIEF EXECUTIVE - A.1 - CHANGES IN MEMBERSHIP OF POLITICAL GROUPS

The Chief Executive formally advised Council that, following the by-election in the West Clacton & Jaywick Sands Ward held on 6 May 2021 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Jayne Belinda Nash had served formal notice on the Council that she wished to be treated as a member of the Conservative political group. That notice had been duly counter-signed by the Leader of the Conservative Group (Councillor Stock OBE).

The Chief Executive further advised Council that, following the by-election in the Eastcliff Ward held on 6 May 2021 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Andrew Phillip Hartnell Baker had served formal notice on the Council that he wished to be treated as a member of the Tendring Independents political group. That notice had been duly counter-signed by the Leader of the Tendring Independents Group (Councillor M E Stephenson).

Members were made aware that Councillors Stock and Stephenson had informed Officers that they wished to exercise their right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out. The results of that review would be reported to Council at its meeting due to be held on 13 July 2021.

Council noted the foregoing.

34. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF THE COMPLAINTS PROCEDURE

Council was aware that the Standards Committee, at its meeting held on 3 February 2021 (Minute 13 referred) had considered a related report of the Monitoring Officer and had reviewed the Council's Complaints Procedure.

At that meeting of the Standards Committee the Monitoring Officer had explained that the Local Government Ombudsman had looked at this Council's Complaints Procedure on a number of occasions when a complainant who had been dissatisfied with the outcome of a complaint had gone to the Ombudsman for a further review. In all instances the Ombudsman had stated that this Council's procedures were robust and, if followed correctly, the Ombudsman would not look into the outcome of the complaint if the procedure had been correctly followed. Therefore, it was important that the Procedure was made as clear as possible to anyone using it.

The Monitoring Officer had further explained to the Standards Committee that through a recent referral to Essex Police, regarding an alleged Disclosable Pecuniary Interest offence under the Localism Act 2011, the Monitoring Officer had been requested to confirm that the Legal Jurisdiction Criteria Test had been evaluated and met prior to referring the complaint to the Police. The Monitoring Officer had been requested to provide assurance that the following had been applied prior to further Police involvement:

- (a) *The alleged conduct took place after the commencement of Section 34 of the Localism Act 2011.*
- (b) *The Subject Member was a member of the Council at the time of the alleged conduct.*
- (c) *The Subject Member was acting in an official capacity as a Councillor at the time of the alleged conduct.*
- (d) *The Subject Member was not acting as a member of another authority at the time of the alleged conduct.*
- (e) *If the facts are capable of establishment as a matter of evidence, the alleged conduct could be capable of a breach of the Code of Conduct.*
- (f) *That the complaint is not about dissatisfaction with the Council's decisions, policies and priorities.*

In the event that the above assurances could be made, the Police would consider commencing a criminal investigation, if crucially part (e) could be established regarding actual evidence, which the Monitoring Officer might be asked to provide.

The aforementioned test and evaluation had been undertaken implicitly by the Monitoring Officer however, it was not expressly referred to within the Complaints Procedure. Consequently, the Monitoring Officer had recommended to the Standards Committee that paragraph 4.5 of the Complaints Procedure be amended to state:

"If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power and obligation to notify or refer to the Police or other regulatory agencies, subject to the necessary Legal Jurisdiction Criteria Test being applied".

No other changes to the Complaints Procedure had been recommended by the Monitoring Officer at that time.

Consequently, the Standards Committee had decided to recommend to full Council that paragraph 4.5 of the Complaints Procedure contained within Part 6 of the Constitution be amended to include the proposed additional text.

Having considered the recommendation of the Standards Committee:-

It was moved by Councillor Land, seconded by Councillor Turner and:-

RESOLVED that paragraph 4.5 of the Complaints Procedure contained within Part 6 of the Constitution be amended to include the additional text: *“subject to the necessary Legal Jurisdiction Criteria Test being applied.”*

35. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

No Questions had been submitted by Councillors in accordance with the provisions of Council Procedure Rule 11.2 on this occasion.

36. URGENT MATTERS FOR DEBATE

There were no urgent matters for debate on this occasion.

37. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

38. EXEMPT MINUTE OF THE MEETING OF THE AUDIT COMMITTEE HELD ON THURSDAY 25 MARCH 2021

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

RESOLVED that the exempt minute of the meeting of the Audit Committee held on Thursday 25 March 2021, be noted.

The Meeting was declared closed at 8.10 pm

Chairman

Questions pursuant to Council Procedure 10.1

The following question has been received, on notice, from members of the public:

Question

From Zoe Tipple & Kayleigh Seal, on behalf of Unsealed Eco Refill Store, The Grove, Clacton-on-Sea, to Councillor Neil Stock OBE, Leader of the Council:

“In the Council’s published Tending Climate Emergency action plan 2020 - 2023 it states that:-

“In 2019 the Leader of Council made a commitment to become single use plastic free by the end of 2020. Whilst an internal campaign was commenced this target is likely to be delayed due to the impact of COVID-19 and the resultant and necessary purchase of cleaning and hand sanitising products, all of which are in plastic bottles. Nonetheless efforts towards meeting this target will continue.”

We have signed up to the Surfers against Sewage (SAS) Plastic Free Communities initiative and one of the many objectives to achieve before receiving official Plastic Free Community status is to have the support of our local council. Our objective states...

‘Local council makes a resolution to support our local plastic free community.

Council motion to state that the council will lead by example and phase out single use plastic.

Council motion states council will support plastic free initiatives in the area.’

In light of the statement by Councillor Neil Stock regarding the Council’s single use plastic free pledge would the Council pass a resolution to support our efforts to become a Plastic Free Community and pass the motion to lead by example and support plastic free initiatives in the area?”

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 24TH MAY, 2021 AT 7.30 PM
IN THE PRINCES THEATRE, STATION ROAD, CLACTON ON SEA, CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling, Griffiths, Harris, Land and Morrison
Also Present:	Councillor Porter, Portfolio Holder for Leisure and Tourism (in respect of the item at minute 6) and Councillor Baker
In Attendance:	Michael Carran (Assistant Director (Economic Growth & Leisure)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Democratic Services Officer) and Matt Cattermole (Communications Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

On this occasion there were no apologies for absence submitted on behalf of Councillors.

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 1 February 2021 be approved as a correct record and were then signed by the Chairman.

It was further **RESOLVED** to receive the notes of the informal meeting of the Committee Members on 29 March 2021 and to approve the decisions there in.

3. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. REPORT OF ASSISTANT DIRECTOR FINANCE & IT - A.1 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2021/22 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

It was reported to the Committee that on the 7 April 2021, the Corporate Finance and Governance Portfolio Holder had agreed the Annual Capital and Treasury Strategy for 2021/22 (including the Prudential and Treasury Indicators) for the purpose of consultation with this Committee prior to consideration of adoption of the strategy. The points highlighted in that report were:

- The Local Government Act 2003 and supporting regulations required the Council had set out its treasury strategy for borrowing, and had prepared an Annual Investment Strategy (required by Investment Guidance subsequent to the Act) that had set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both documents were issued in December 2017.
- From 2019/20 the Capital Strategy had been combined with the Treasury Strategy into one document, which was required to be updated / approved annually.
- The proposed Annual Capital and Treasury Strategy for 2021/22 was set out in **Appendix A**.
- The Capital Strategy element of the combined document covered the various elements surrounding capital investment decisions and the key criteria that investment decisions were considered against.
- The Treasury Strategy element of the combined document covered the various elements that satisfied the requirements of the various codes that governed the borrowing and investment activities of the Council and had been prepared in the light of advice received from the Council's Treasury advisors and reflected the latest codes and guidance.
- Prudential and Treasury indicators were included as an Annexe to the combined strategy and were therefore included within **Appendix A**.
- Under the Prudential Code the Council had freedom over capital expenditure as long as it was prudent, affordable and sustainable. The Prudential Indicators either measured the expected activity or introduced limits upon the activity, and reflected the underlying capital appraisal systems and enabled the Council to demonstrate that it was complying with the requirements of the Prudential Code.
- The Council's investments would be undertaken in accordance with its Treasury Management Practices. Those were expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remained at their current extremely low levels it was likely that a significant proportion of the Council's investments would continue to be in government securities such as with other Local Authorities. The business rates grant process associated with COVID 19 had

demonstrated a need to maximise flexibility in the range of counterparties the Council used plus rates paid by the Debt Management Office had frequently been negative since autumn 2020, which was why two Money Market Funds were opened up in December 2020.

- As part of the same report, 2020, the Capital and Treasury Strategy reflected the exploration of using property investment funds as part of the Council's wider investment portfolio. However, at the present time that was no longer being actively pursued given the significant impact from COVID 19 and how unclear it had made the risk / reward equation going forward. All references to that type of investment had been removed from the strategy for 2021/22. However, it would be revisited once the economic recovery from COVID 19 had reached the point where it may again be considered as a potential useful addition to the investment portfolio.
- As was always the case, other 'quality' investment opportunities would always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse approach.

After a detailed discussion the Committee **RESOLVED**:

- To request that the head of Democratic Services and Election and the Section 151 Officer to develop proposals for training for the members of the Committee in relation to Local Government Finance and implement this on the basis that further training needs may then be further identified.
- The Committee also recommended that Cabinet approves the submission of all schemes for which they were reserve provisions and one off funds set aside to finance, be subject to the assessment set out in the draft Annual Capital and Treasury strategy 2021/22 and presented to the Office Project Board to determine whether the funding should be released.

6. A.2 - TOURISM STRATEGY FOR TENDRING

The Committee was advised that at its meeting on 21 May 2021 Cabinet had approved the Tourism Strategy now be presented to this Committee. This had followed Consultation on the Strategy in 2020.

That five year Tourism Strategy replaced the previous version for Tendring, which had expired in 2016.

Key statistics presented to the Committee on the Strategy were:

- Tourism was estimated to be worth more than £402 million to Tendring, and was responsible for over 8,980 jobs, equivalent to 17.9% of the District's employment. To put matters into perspective, tourism had increased in value to the local economy by £115 million since the previous strategy was written in 2010;
- The coronavirus pandemic had impacted significantly on the local tourism industry and that strategy was tailored to extend 'back to business' support towards the recovery of the sector;
- The strategy set out a 10 point plan for delivery of the following objectives:
 1. Wealth creation
 2. Job creation
 3. Quality of life for local people
 4. Long term growth of the tourism sector
- That strategy recognised that Tendring had wide attraction, that its towns and villages all had their own unique features, tourism offer and charm. It was important that the Council worked with partners to develop those unique selling points and promoted all of the District's component parts. From beautiful coastlines and visitor attractions, to picturesque countryside and heritage of international significance; the power of Tendring's tourism offer was in the diversity of its destinations and that should be embraced and marketed accordingly;
- There had been significant private sector investment in the local tourism industry in recent years, including multi million pound investment into some of Tendring's key attractions. That had improved the quality of the District as a visitor destination and demonstrated local confidence and commitment to raising standards;
- The Council had invested in major projects such as the £36m Coastal Defence scheme for Clacton and Holland, creating tangible tourism assets in Harwich for Mayflower 400, had developed a scheme to celebrate the 150th anniversary of Clacton on Sea and public realm schemes to improve the appearance of the District;
- Furthermore, the Council had invested resources into both organising and facilitating an expanding quality events programme in recent years. Built on the success of the nationally recognised Clacton Airshow and Harwich Illuminate, event organisers had felt empowered to bring events of national significance such as The Tour of Britain and the first 'on road' Motor Rally in England and Wales, to the Tendring District;
- The strategy recognised that tourism was a fast moving, agile economy and the Council was one partner in ensuring long term success. As such, that strategy had greater emphasis on the Council's role of facilitation than its predecessor;

- The strategy was accompanied by a work programme for 2021/22, which set out actions the Council would take to deliver its strategic aims. It was recognised that the work programme was a live document and would adapt to a changing environment.
- During the discussion, one issue that was referenced was that the oldest known painting of the flag of the USA was hung on a wall in Harwich.

The Committee recorded its thanks to the Portfolio Holder for Leisure and Tourism and the Assistant Director for Economic Growth and Leisure for attending the Committee, presenting the approved Tourism Strategy and responding to questions from the Members of the Committee.

The Committee **RESOLVED** to Recommend Cabinet:

- To consider the opportunities for working in partnership with local businesses prioritising such services as hotels/bed and breakfast operators to encourage visitors participating/attending or visiting events in the District to stay locally and use the services of those local businesses (Potentially with discounts offered by those businesses).
- To harness opportunities to those attracted to specific places/events locally to be supported to revisit by sharing other places/events locally including those using the book of Holland Ferry, creating a dedicated visit Tending website with the separate charms of the District can be brought together, using QR codes to encourage visits to such a website and to local heritage sites.
- To take additional measures to improve the cleanliness of the District including messaging around “Respecting the district by using the area responsibly” through education encouragement and enforcement to ensure visitors are encouraged back rather than being putt-off by unsightly rubbish and over full bins.
- To consider again the previous recommendation (minute 87 of 21 September 2020 refers) for consistent and common, highly visible branding of events and facilities provided/supported by the council to ensure that those attending those events/facilities are made aware of the Councils role in producing/supporting the same.
- To examine measures to offset the carbon footprint of the Clacton Air Show, which uses over 100,000 litres of Jet Fuel and generates 275 tonnes of CO₂, including the options perused by the Bournemouth Air Festival whereby trees were planted for each tonne of carbon used at the Air Show.
- To note the intention of the Portfolio Holder for Economic Growth and Leisure to consider promoting details of bridleways that traverse the District.

7. SCRUTINY OF PROPOSED DECISIONS

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

The Committee noted the submitted list of publicised forthcoming decisions.

8. RECOMMENDATIONS MONITORING REPORT

The Committee before it the current Recommendations Monitoring Report which set out those items which had previously made recommendations to the Cabinet/ Portfolio Holder and the approved response to the recommendations and any subsequent action for the Committee to consider.

It was **RESOLVED** that the Chairman of the Committee with the Head of Democratic Services and Elections review the outstanding position on the Recommendations submitted with the view to expediting the conclusion of those matters

9. REVIEW OF WORK PROGRAMME

Further to the informal meeting of the Members of this Committee held on 29 March 2021 (minute 2 above refers) the Committee had before it the current draft Work Programme 2021/22 that outlined the Scrutiny enquires identified by Members for the remainder of the municipal year.

The Committee heard that the draft Work Programme for year 2021/22 had been submitted to Management Team on the 18 May 2021 and Cabinet on the 21 May 2021 with the view to being reconsidered at the 5 July 2021 meeting of the Committee with Comments from Officers.

The Committee noted the contents of the report and the update provided by the Head of Democratic Services and Elections.

The meeting was declared closed at 10.12 pm

Chairman

Public Document Pack

Audit Committee

27 May 2021

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 27TH MAY, 2021 AT 10.30 AM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley, King and Placey
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Ian Taylor (Head of Public Realm)(except items 5 - 7), Craig Clawson (Internal Audit Manager), Ian Ford (Committee Services Manager), Karen Townshend (Executive Projects Manager (Governance)), Clare Lewis (Fraud and Risk Manager), Kai Aberdeen (Theatre General Manager (Technical)) and Matt Cattermole (Communications Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Miles (with no substitute).

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the last meeting of the Committee held on Thursday 22 April 2021 be approved as a correct record.

Further to Minute 33 (22.4.21) the Council's Head of Public Realm (Ian Taylor) attended the meeting and updated the Committee on the progress made in relation to the audit actions that had been required following the 'Improvement Required' outcome of the Fleet Management Audit. He then responded to Members' questions thereon.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

5. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - EXTERNAL AUDITOR'S AUDIT PLANNING REPORT FOR THE YEAR ENDED 31 MARCH 2021

The Committee had before it a report submitted by the Council's Assistant Director (Finance & IT) (report A.1) which presented for consideration and agreement the External Auditor's Audit Planning Report for the year ended 31 March 2021.

It was reported that the plan was set against a risk based approach in order to provide a focus on areas of the financial statements where the risk of material misstatement was

higher or where there was a risk that the organisation had not made proper arrangements for securing value for money in its use of resources.

Members' attention was drawn to the new approach to the use of resources assessment following a change in the associated code and guidance. The outcome from the work of the External Auditor was now moving to a commentary on the Council's value for money arrangements rather than a conclusion or opinion.

The commentary would cover the following 3 headings:

A) Financial Sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services, including:

- 1) how the Council ensured that it identified all the significant financial pressures that were relevant to its short and medium-term plans and buildt these into them;
- 2) how the Council planned to bridge its funding gaps and identify achievable savings;
- 3) how the Council planned finances to support the sustainable delivery of services in accordance with strategic and statutory priorities;
- 4) how the Council ensured that its financial plan was consistent with other plans such as workforce, capital, investment, and other operational planning which might include working with other local public bodies as part of a wider system; and
- 5) how the Council identified and managed risks to financial resilience, e.g. unplanned changes in demand, including challenge of the assumptions underlying its plans.

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including:

- 1) how the Council monitored and assessed risk and how it gained assurance over the effective operation of internal controls, including arrangements to prevent and detect fraud;
- 2) how the Council approached and carried out its annual budget setting process;
- 3) how the Council ensured effective processes and systems were in place to ensure budgetary control; to communicate relevant, accurate and timely management information (including non-financial information where appropriate); supported its statutory financial reporting requirements; and ensured corrective action was taken where needed;
- 4) how the Council ensured it made properly informed decisions, supported by appropriate evidence and allowing for challenge and transparency. This included arrangements for effective challenge from those charged with governance such as the audit committee; and
- 5) how the Council monitored and ensured appropriate standards, such as meeting legislative/regulatory requirements and standards in terms of officer or member behaviour (such as gifts and hospitality or declarations/conflicts of interests).

C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services, including:

- 1) how financial and performance information had been used to assess performance to identify areas for improvement;
- 2) how the Council evaluated the services it provided to assess performance and identify areas for improvement;

- 3) how the Council ensured it delivers its role within significant partnerships, engaged with stakeholders it had identified, monitored performance against expectations, and ensured action was taken where necessary to improve; and
- 4) where the body commissioned or procured services, how the body ensured that this was done in accordance with relevant legislation, professional standards and internal policies, and how the body assessed whether it was realising the expected benefits.

The Committee was informed that, given the broad areas of governance that the new use of resources assessment would cover, there was, unsurprisingly, a large overlap with the existing Annual Governance Statement activities, where many of the aforementioned issues were already being addressed or were planned to be addressed or strengthened. Although the Council was therefore in a strong position to respond to the new assessment, it was proposed that the outcomes from the work of the External Auditor would be brought together and monitored via the existing Annual Governance Statement processes going forward. The outcome of the External Auditor's work would be set out in the Auditor's Annual Report that would be presented to the Audit Committee later in the year.

Members were made aware that the External Auditor's planned 'base' fee totalled £45,205 (excluding certification of claims and returns), which could be met from within existing budgets. However, additional work would be required in order to respond to the new use of resources reporting requirements. That additional cost would be considered within the quarterly financial performance reports during the year as an on-going cost pressure.

The Committee noted that no allowance had been made within the overall fee for additional work that might be required such as that associated with additional requirements placed on the Council or unforeseen circumstances, which would be the subject of further reports when necessary.

Having fully considered and discussed the External Auditor's proposed Audit Planning Report for the year ended 31 March 2021:-

It was moved by Councillor Placey, seconded by Councillor Fairley and:-

RESOLVED that the External Auditor's Audit Planning Report for the year ended 31 March 2021 be approved.

6. **REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - CORPORATE RISK UPDATE**

The Committee had before it a report submitted by the Assistant Director (Finance & IT) (report A.2) which presented it with the updated Corporate Risk Register.

Members were informed that the risk register had been updated within the context of the usual and underlying risks that were included in the register. However, it was recognised that the unprecedented events experienced in the last year in respect of the COVID 19 pandemic would have a major on-going impact on the Council and would likely cut across many of the risks currently included within the register.

The Committee was advised that given the on-going and 'live' nature of the current COVID pandemic, it continued to be difficult to fully revise the register at this point in time to reflect what was deemed to be the 'new normal'. However, the Council continued to review the underlying risks associated with COVID 19 across all of its services, ensuring that it could continue to effectively maintain, operate and deliver its operations and services. Timely and effective responses had been made in key risk areas, such as IT and network resilience, communication and management of information, cyber security, anti-fraud and corruption, health and safety along with business continuity / ability to effectively deliver services.

It was reported that Council Services would continue to reopen in the coming months and any associated risk relating to this would be carried out in a COVID secure way in order to ensure staff and customer safety. A review of lessons learnt relating to COVID 19 was currently being undertaken and would be brought before the Audit Committee at a later meeting.

The below table set out all amendments to the Risk Register since it had been last considered by the Committee in October 2020:-

Risk Register Item	Amendments / Comments
New Risks Identified	None
Risks Removed	None
Risk Scores Amended	None
Risk under review	None
Risks Amended	<p>The following items had subject to minor amendments within the 'current action status / control strategy' sections to reflect the most up-to-date position.</p> <p>Item 1b - Catastrophic IT network failure</p> <p>Item 1c - Ineffective communication / management of information</p> <p>Item 1d - Ineffective Cyber Security Physical and Application (software) Based Protection Management</p> <p>Item 2a - Coastal Defence</p> <p>Item 2c - Building Council Homes</p> <p>Item 2d - Ineffective delivery of Transforming Tending project</p>

	<p>Item 2f - Garden Communities</p> <p>Item 3d - Fraud and Corruption.</p> <p>Item 4a - Loss of Key Staff</p> <p>Item 6a – Loss of sensitive and/or personal data through malicious actions loss theft and/or hacking</p> <p>Item 7a - Local Plan</p> <p>Item 8a – Failure to collect levels of income required from Council Tax</p> <p>Item 8b - Failure to collect levels of income required from Non Domestic Rates</p> <p>Item 9a - Ineffective Emergency Planning</p> <p>Item 9b – Ineffective Business Continuity Planning</p>
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The Committee was informed that the Fraud and Risk Team continued to oversee the Council's Risk Management arrangements supported by the Council's Internal Audit Team. The table below set out the work that was currently being undertaken:-

Agreed Action	Current Position
<i>Management Team to promote the importance of operational risk management within the organisation and ensure that Senior Managers implement a process for identifying and mitigating risks in coordination with the corporate Fraud and Risk Manager.</i>	The corporate Fraud and Risk Manager continued to attend Management Team meetings on a quarterly basis and provided monthly updates for any urgent matters identified. The Fraud and Risk Manager continued to work with Management Team to effectively promote the importance of operational risk management within the Council.
<i>One to one meetings will continue to take place between Senior Managers and the Corporate Fraud and Risk Manager to identify and record key operational risks within their service areas. Support to be provided by Internal Audit if required.</i>	This unfortunately had been delayed due to the corporate Fraud and Risk Manager being redeployed to other tasks during the past 12 months. This review would continue into 2021.
Follow Up Action	Current Position
<i>Arrange Risk Management training for all departments across the Council</i>	The Council had identified a need for Managers to have some Risk Management training to ensure the Council could move forward with verifying risk register actions and

	review departmental risks across all departments. This would also allow the Fraud and Risk Manager to review the Council's Risk Management Framework.
<i>Review carried out relating to the effectiveness of the current control measures in place to identify inherent risk.</i>	Details of this review would be brought before the Audit Committee in due course.

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

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

RESOLVED that the updates provided to the current Corporate Risk Register be noted.

7. **ADDITIONAL MATTERS**

Redmond Review

Further to Minute 35 (22.4.21) and in response to a question asked by the Chairman (Councillor Coley), the Assistant Director (Finance & IT) (Richard Barrett) gave an update to Members on the Government's latest response to the recommendations contained within the Redmond Review. He also undertook to circulate the details of that response by email to the members of the Committee.

Members' Training Opportunity on Statement of Accounts

In response to a question asked by the Chairman (Councillor Coley), the Assistant Director (Finance & IT) (Richard Barrett) undertook to liaise with the Head of Democratic Services & Elections (Keith Simmons) in relation to the arrangements and practicalities around the provision of an in-house or online training opportunity for the members of the Committee on the Statement of Accounts.

The meeting was declared closed at 11.05 am

Chairman

Public Document Pack

Community Leadership Overview and
Scrutiny Committee

28 June 2021

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 28TH JUNE, 2021 AT 7.30 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chittock (Chairman), Amos (Vice-Chairman), Clifton, Codling, Davis, Miles and Steady
In Attendance:	Keith Simmons (Head of Democratic Services and Elections) and Emma Haward (Leadership Support Assistant) and Matthew Cattermole (Communications Assistant).

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Councillors Davidson and Skeels with no substitution.

2. MINUTES OF MEETINGS OF THE COMMITTEE

The minutes of the Committee held on Monday 8 February 2021 and Monday 22 March 2021 were moved by Councillor Amos, seconded by, Councillor Chittock and approved as a correct record and were then signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

**5. REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 -
REVIEW OF THE YEARS 2019-2021 AND WORK PROGRAMME FOR 2021/22 FOR
THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE**

The Committee received and considered a report of the Head of Democratic Services and Elections, which provided it with a review of the work it had carried out in the two years 2019/2020 and 2020/2021 and sought Members' approval to a draft Work Programme for the remainder of the 2021/2022 municipal year for recommendation to the annual meeting of the Council to be held on 13 July 2021.

The Council's Head of Democratic Services and Elections reported that Appendix A to the report was the review of the work carried out in 2019-2021.

Councillor Davis referenced that there were no page numbers and some of the text was on a black background. She requested that in future, such documents be available as black text on a white background. In addition, and while acknowledging the agenda and

reports had been published by the required deadline, she asked whether written materials could be available earlier.

With the consent of the Committee, the Head of Democratic Services and Elections invited Members to email suggestions or questions regarding the work set out in 2019/2021 prior to the agenda for Council being published.

The Committee then considered Appendix B to the report which set out the draft work programme for 2021/2022. This included suggestions for two panels with the Resources and Services Overview & Scrutiny Committee.

Councillor Steady suggested that the proposed joint panel on climate change produce a presentation at a Full Council meeting, at the conclusion of their deliberations.

The Committee then examined the individual enquiries set out in the work programme. In this regard, an update of the draft programme was circulated with proposed dates for the enquiries as discussed between the Committee's Chairman and the Head of Democratic Services and Elections. The Committee's attention had been drawn to the Leader of the Council's submission to the work programme and the consultation of Cabinet to support enquiries as necessary.

Following discussion, it was **RESOLVED** that -

- (a) the report on the review of the years 2019/21, as detailed in Appendix A to item A.1 of the Report of the Head of Democratic Services and Elections be agreed for submission to Council and;
- (b) the draft 2021/22 Work Programme for the Committee, as set out in the Appendix to these minutes be agreed for submitted to Council for approval, subject to:-
- (c) That the Head of Democratic Services and Elections, following consultation with the Committee's Chairman, be actioned to make further minor adjustments to the documents in (a) and (b) above in response to proposals from the Members of the Committee received 5 July 2021.

The Resources and Services Committee's attention to the possibility of including the positives on Clinical Waste in that Committee's examination of waste/litter.

The meeting was declared closed at 9.15 pm

Chairman

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p><u>To establish a Joint Panel with Resources and Services Overview and Scrutiny Committee</u></p> <p>Carbon Neutral by 2030. The assessment of measures to progress towards the policy unanimously agreed by Full Council and adopted into the Council's Policy Framework. How will these carbon reduction measures affect the Council and its partners financially (and is there a consequence for job numbers/skills</p>	<p>Subject to scoping Document to be presented</p>	<p>Delivering High Quality Services/ A7 - Carbon Neutral by 2030</p>	<p>A copy of the approved Plan The papers considered by the Climate Change Portfolio Holder's Working Party that oversaw the development of the Plan. The Cabinet's approved Key Actions for 2021/22 to deliver elements of the Plan in that year. Performance detail against the Cabinet's Key Actions. Details of Carbon Neutral measures/plans adopted by Parish and Town Councils in the District.</p>	<p>Cllr Michael Talbot, Portfolio Holder Lee Heley, Interim Corporate Director Tim Clarke, Assistant Director Relevant representatives from Parish and Town Councils Representatives from Ecotricity Electric Highway network and GridServe (who provide the Braintree Electric Forecourt) in respect of electric vehicle charging</p>	<p>To support delivery against the Plan in the most appropriate way that takes account of the wider implications of carbon neutral measures and to look at how we can work with our partners to pursue the wider objectives of encouraging carbon neutrality locally.</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
of the individual measures)?					

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p><u>To establish a Joint Panel with Resources and Services Overview and Scrutiny Committee</u> Post COVID Regrowth Town Centres, Supporting them to survive and thrive (adapting to the post covid uses by residents and visitors) and investment into those Town Centres. Revisit Tendring4Growth and see when and where the money is being spent. Back 2 Business-joined up thinking of skills, jobs and enterprise, in short medium and long</p>	<p>Subject to scoping Document to be presented</p>	<p>Building Sustainable Communities for the Future/B6 - Effective planning policies and B3 - Vibrant Town Centres</p> <p>A Growing and Inclusive Economy/D2 - Support existing businesses</p>	<p>The Council's relevant policies and strategies (including Tendring4Growth). Copies of relevant bids; such as for the Government's Towns Fund The Cabinet's approved Key Actions for 2021/22 to deliver 'back to business'/business support in that year. Performance detail against the Cabinet's Key Actions. Details of occupancy, footfall and other measures of the vibrancy of the District's economy</p>	<p>Mike Carran, Assistant Director</p>	<p>To support delivery against the approved Plans/Strategies in order to maximise the benefit to the local economy and to look at how we can work with our partners to achieve this.</p>

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WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
term goals. Progress with the previously discussed Business round table proposal. The prioritisation of the funded projects and initiatives.					

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Crime and disorder. To consider the Police, Fire and Crime Commissioner's emerging/revised Police and Crime plan and its application to the District. The review will also look at anti-social behaviour and domestic abuse in the district.</p> <p>Anti-social behaviour including community speed watch schemes and the allocation of additional Police Officers to the area</p> <p>It is proposed that this enquiry be held as soon as possible after the Resources</p>	<p>27 September 2021</p>	<p>Community Leadership Through Partnerships/ Law and Order - for a safer community</p>	<p>The Commissioner's emerging/revised Police and Crime Plan. Data on recorded crime (including domestic abuse), crime survey data and anti-social behaviour levels over the last five years. Numbers of Police and PCSOs over the same period for the District of Tendring. Details of measures specifically taken on the issue of domestic violence. Details on local watch schemes including home watch and community speed watch.</p>	<p>Roger Hirst, Police, Fire and Crime Commissioner. Essex Police's District Commander Representatives from relevant organisations and watch schemes including Home watch. Anastasia Simpson, Assistant Director</p>	<p>To help inform the emerging Police and Crime Plan/consider the implications of the Plan for the District and to examine ways to support community schemes to address violence in a domestic setting and anti-social behaviour.</p>

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WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
and Services Overview and Scrutiny Committee has considered enforcement issues in respect of services provided by the Council.					
The lawful and unlawful use of e-scooters and the extend of policing/action against those unlawfully using them	27 September 2021	Community Leadership Through Partnerships/ Law and Order - for a safer community	Data on the Spin provided e-scooters, their use, issues of misuse (use on pavements, dual riders, moving traffic offences) and control of the scooters by the provider. Details of the authorisation of the Spin e-scooters and assessment of their use. Reports/use of unlawful e-scooters and enforcement against those who use them	Representatives of Essex Police Essex County Council Highways	To identify whether the enforcement issues around the unlawful use of e-scooters is appropriate or whether recommendations need to be made to better address issues with unlawful use of them.

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To examine the informal partnerships that were harnessed during the covid-19 pandemic lockdowns in 2020/21 and consider how those partnerships can inform future community partnerships going forward	27 September 2021	Community Leadership Through Partnerships	Details of the range of community partnerships that existed, the services they provided and the network of support they had access to.	Cllr McWilliams, Portfolio Holder for Community Partnerships/Anastasia Simpson	To support community engagement with recommendations for the future and help to galvanise informal groups going forward.

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WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To enquire into educational achievement locally, issues impacting on that achievement and measures to enhance achievement	8 November 2021	Community Leadership Through Partnerships/Education - for improved outcomes	<p>To look at GCSE and A level results Other post-16 educational attainment levels and training/apprenticeship entry</p> <p>Data on children with special needs (those with Education, Health and Wellbeing Assessments) and how that is being provided across the District</p> <p>Potentially use enquiry days ahead of the meeting to receive more evidence</p>	<p>Essex County Council Education Service Local Academy Trust representatives.</p> <p>Representatives of secondary school students and parents of those students</p>	To support measures to improve educational achievement/opportunities to progress in non-academic settings locally and thereby contribute positively toward the social, environmental and economic wellbeing of the District

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WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To enquire into the safeguarding and educational position concerning those of school age not attending mainstream schools	13 December 2021	Community Leadership Through Partnerships/Education - for improved outcomes	Data on the children who do not attend main stream schools. To include alternative providers in so called 'mini' schools, home educated and those for whom there is no known/verified education provision Potentially use enquiry days ahead of the meeting to receive more evidence	Essex County Council Education Service Local Academy Trust representatives Representatives of alternative providers Representatives of organisations such as 'Lads need Dads' who are providing mentoring or other support for those not in mainstream education.	To examine the extent of the issue of elective home education (EHE) arrangements, the circumstances in which EHE occurs for children previously in school and the opportunities to return to school. The extent to which there are unassessed EHE arrangements and the use of School Attendance Orders

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
District wide health levels and Health inequalities due so socioeconomic factors.	31 January 2022	Community Leadership Through Partnerships/Joined up public services for the benefit of our residents and businesses	Information from the Joint Strategic Needs Assessment (JSNA) profile for Essex, localised to the District, that provides an overview of the changing health and wellbeing needs in the county/district Details of funding secured by the Council to address health inequalities	Representatives from the Essex County Council's Public Health/Policy Team Anastasia Simpson, Assistant Director/John Fox, Public Health, Wellbeing & Environmental Protection Manager	To assist in the development of measures to address health inequalities in the District and specifically also to look at delivery of measures in this financial year for which the Council has funding available.
Enquire into the work of the Anchor Institutions and consider opportunities for taking that work (and lessons from it) to be applied locally to maximum effect	31 January 2022 (A briefing note to be requested for late 2021 from those leading the Anchor Institutions work)	Community Leadership Through Partnerships/Joined up public services for the benefit of our residents and businesses A Growing and Inclusive Economy/Support existing businesses	Details of the work of the Anchor Institutions and the opportunities this work provides	Representatives from the Anchor Institutions	To consider the opportunity to apply good practice being developed across Essex and maximising the benefit for the District.

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Jaywick, social issues, crime and deprivation, housing.</p> <p>Private Sector Housing and rental build quality. Plus a look at the housing condition survey to be undertaken in Jaywick Sands as a measure to inform action to improve quality of rental accommodation.</p>	<p>14 March 2022</p>	<p>Community Leadership Through Partnerships/Joined up public services for the benefit of our residents and businesses</p> <p>Building Sustainable Communities for the Future/B2 Jaywick Sands - more and better housing; supporting the community, B5 - Building and managing our own homes and Effective planning policies</p> <p>Delivering High Quality Services/A6 - Effective Regulation and Enforcement</p>	<p>Data around the current position as it relates to Jaywick by way of demographics, health inequalities, recorded crime, service provision and plans for the area. Information from the housing condition survey to be undertaken in Jaywick Sands as a measure to inform action to improve quality of rental accommodation.</p> <p>Assessment of the impact of the 10 new properties built by the Council on the areas and the lives of those living there.</p>	<p>Representatives from the Environment Agency Representatives from the Clinical Commissioning Group/Primary Care Network Representatives from Community Groups in Jaywick Cllr P Honeywood as Portfolio Holder with responsibility for Jaywick Damian Williams, Corporate Director and Tim R Clarke, Assistant Director</p>	<p>To look holistically at the issues as they relate to Jaywick Sands and the measures in place to address those issues and encourage further working between partners to collaboratively take opportunities to improve the area for its residents.</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Freeports, the progress of the proposals for Freeport East (its interlinking with Thames Freeport), specific measures on site (and particularly on the Harwich site), impact on previous planning permissions being implemented and measures outside of the Freeport to harness the most from them into the local community.</p>	<p>9 May 2022</p>	<p>Community Leadership Through Partnerships/ Influence and lobby - for Tendring's future</p> <p>Building Sustainable Communities for the Future/B6 - Effective planning policies</p>	<p>Freeport East Proposals. Development Plans to deliver the Proposals. Details of planning permissions already in place for sites associated with the existing port of Harwich</p>	<p>Representatives from the Freeport East Group Mike Carran, Assistant Director</p>	<p>To look at the proposals for the Freeport East, the opportunities this may offer and how these can be harnessed. The Committee will consider whether recommendations need to be submitted to assist in this process.</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>To consider the issue of suicide levels in the District. (and related demographics of those more prone to suicide) and mental health provision (including access to emergency mental health services for those most prone to suicide).</p>	<p>To be allocated</p>	<p>Community Leadership Through Partnerships/ Health and wellbeing - for effective services and improved public health</p>	<p>Demographics data to identify those more prone to suicide and comparative data from elsewhere. Details of suicide numbers locally and those attempting suicide over the last five years Details of services to those prone to and having attempted suicide Emergency mental health beds Learning from the lived experience of those with poor mental health. Information from the County Health and Wellbeing Board's current work on suicide issues.</p>	<p>Service providers and organisations with a specific role in this sector Ian Davidson, Chief Executive in view of his role on Essex-wide bodies looking at suicide levels and mental health.</p>	<p>To help encourage place/ neighbourhood based support for those prone to, attempting or affected by suicide and to support strategic decision making in respect of critical emergency mental health services.</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>To consider the mental health needs of residents of the District and the services to meet those needs. Specifically looking beyond the Mental Health Hub and Primary School Mental Health initiative.</p>	<p>To be allocated (A briefing note to be requested initially from the Clinical Commissioning Group)</p>	<p>Community Leadership Through Partnerships/ Health and wellbeing - for effective services and improved public health</p>	<p>Information on the mental health needs of the local population and services to respond to that need. Information in respect in the gaps of service provision and examples of services that could be provided to bridge that gap</p>	<p>Service providers and organisations with a specific role in this sector</p>	<p>To seek re-assurance that the mental health needs of the Council are appropriately been met or otherwise propose measures to improve that provision</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Maintenance of existing B&C roads. How often are they being maintained, time it takes to fix works, notice times of works given.</p>	<p>To be allocated</p>	<p>Community Leadership Through Partnerships/Joined up public services for the benefit of our residents and businesses</p>	<p>Assessment of the condition and maintenance requirements for B and C roads in the District. Details of expenditure on B and C classified roads in the District over the last five years Service standards and maintenance policies of the County Council for B and C roads Performance data on works undertaken over the past five years.</p>	<p>Representatives from Essex County Council Highways/highways contractor to the County Council.</p>	<p>To better understand the position and thereby inform the development of policies/strategies and opportunities to improve the B and C road network in the District.</p>

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Bridleway provision locally and facilities for horse riders to ride safely around the District	To be allocated	Community Leadership Through Partnerships/Joined up public services for the benefit of our residents and businesses	Details of the bridleways and the extent to which they are maintained and accessible.	Representatives of the Essex County Council Service with responsibility for Footways and Bridleways. Representatives of those who operate stables and/or organisations for those who ride horses.	To examine this issue as part of the safe leisure pursuit of horse riding locally
Housing issues in the district how it impacts residents, socially, mentally and financially. The struggle of finding somewhere to live on low or no wages.	To be allocated	Community Leadership Through Partnerships/ Health and wellbeing - for effective services and improved public health Building Sustainable Communities for the Future/Effective planning policies	Details around housing supply generally and specifically for those with low income.	A representative from Shelter to speak of that organisation's experience of helping house people in the district.	To help inform delivery of policies to assist with quality housing supply to meet need.

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE 28 JUNE 2021

WORK PROGRAMME PROPOSALS 2021/22

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<i>Housing register numbers and how they are categorised in family size and what type of property they want and the locations sought.</i>	<i>Not applicable</i>	<i>This item should be looked at as a member training module for all Councillors so they can understand and explain the Housing process to residents.</i>			

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Public Document Pack

Planning Policy and Local Plan Committee

29 June 2021

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 29TH JUNE, 2021 AT 6.00 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Chapman, C Guglielmi, S Honeywood, Newton, Scott and Winfield
Also Present:	Councillors P Honeywood and White
In Attendance:	Lisa Hastings (Deputy Chief Executive & Assistant Director (Governance) and Monitoring Officer), Gary Guiver (Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Paul Woods (Planning Officer) and Matt Cattermole (Communications Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Allen (with no substitute), Bush (with no substitute) and I J Henderson (with no substitute).

2. CHAIRMAN'S OPENING, INTRODUCTORY & CLOSING REMARKS

The Chairman of the Committee (Councillor Turner) made the following opening remarks:-

“Good Evening Fellow Members, Officers, Members of the Public and the Press.

It is nearly six months since we last met and agreed that that Part 1 of our Local Plan can go forward to our Full Council for consideration. I am pleased to report that it was adopted unanimously. A great accolade to this Committee for all the work it has put in.

I have once again invited the Planning Committee to join us and in line with previous meets I will invite Councillor White to bring to our attention any comments that he and his colleagues might like to make prior to us going to the vote.

Tonight's Agenda is another 300 page document and has 2 items for us to decide.”

At the appropriate juncture in the meeting, the Chairman made the following introductory remarks in relation to report item A.1:-

“A.1 on pages 13 -278 is made up of the main modifications that the Inspector has made to Part 2 of our Local Plan 2013-2033 and beyond Publication Draft first submitted for Public Consultation 4 years and 2 weeks ago.

Main modifications are amendments that the Inspector, in conjunction with the Council and other interested Parties, agreed would make our Plan Sound and Legally Compliant. If we agree this part of our Agenda it will then go out for a final Public Consultation for six weeks. We will then await the Inspector's final letter. That will come before this Committee sometime in early Autumn.

Any member of the public including our good selves can submit comments to the Inspector for changes, observations, clarity etc. during the final six week Consultation period.”

At the appropriate juncture in the meeting, the Chairman made the following introductory remarks in relation to report item A.2:-

“A.2 - There I was thinking that this would likely be the penultimate meet of this Committee. Wrong. Before us we have The Local Development Scheme. In plain English a forward work plan is being presented for our comments and agreement. We will be gainfully employed - in the sense of to use - until the end of this Council.”

At the end of the proceedings the Chairman made the following closing remarks:-

“As always I want to thank Mr Guiver now Acting Director of Planning and his excellent team for all their support and work and you the members of this Committee for your considerations, interest and insights.”

3. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the last meeting of the Committee held on 11 January 2021 be approved as a correct record and be signed by the Chairman.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this time though later on in the meeting during the consideration of report item A.1 (Section 2 Local Plan: Modifications Stage), Councillor G V Guglielmi declared a personal interest insofar as he was Chairman of Essex County Council’s Development and Regulation Committee and also insofar as he was a Tendring District Council representative on the Tendring / Colchester Borders Garden Community Steering Group.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

6. PUBLIC SPEAKING

Pursuant to the provisions of the Council’s public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or make a statement regarding the items contained in the report of the Assistant Director (Strategic Planning & Place).

7. REPORT OF ASSISTANT DIRECTOR (STRATEGIC PLANNING & PLACE) - A.1 - SECTION 2 LOCAL PLAN: MODIFICATIONS STAGE

During the consideration of this item, Councillor G V Guglielmi declared a personal interest insofar as he was Chairman of Essex County Council’s Development and Regulation Committee and also insofar as he was a Tendring District Council

representative on the Tendring / Colchester Borders Garden Community Steering Group.

The Committee had before it a comprehensive report (and appendices) of the Assistant Director (Strategic Planning & Place) (A.1) which:-

- a) reported the recommendations of the Planning Inspectors as to the 'modifications' required for Section 2 of the Council's new Local Plan in order to meet the requirement for legal compliance and 'soundness'; and
- b) sought the Committee's agreement to proceed to the next stage of the plan-making process which would be to publish the modifications for a six weeks public consultation.

Key Points

It was reported that, following virtual examination hearings in February and March 2021, the Government-appointed Planning Inspectors for Section 2 of the Council's Local Plan had issued a letter confirming the recommended 'main modifications' required to make the plan both legally compliant and sound.

Members were informed that the majority of those modifications reflected, broadly, those already put forward by the Council itself in the run up to the examination hearings and those discussed during the hearing sessions themselves. All were aimed at improving the soundness of the plan, responding to representations received during the previous consultation and ensuring that the plan was kept up to date, reflecting the latest evidence.

The Committee was advised that there were no radical or unexpected changes of approach being introduced through the proposed modifications and, importantly, the Inspectors were not asking for any additional land to be allocated in the plan for housing.

Members were made aware that the 'main modifications' recommended by the Inspectors must be published for consultation before the Inspectors could write their final report and the Plan could be adopted. It was proposed that consequential changes to the Local Plan maps and 'additional modifications' of a minor/factual nature were also published for consultation. Progression to this next stage of the process would make it possible that the Council could be in a position to formally adopt the new Local Plan, in full, by the end of 2021.

Background

Members recalled that, in January 2021, the Council had formally adopted Section 1 of Local Plan which set out the overarching strategy for North Essex including policies setting the overall housing and employment requirements and the policies relating to the Tendring / Colchester Borders Garden Community.

The Committee was aware that Section 2 of the Local Plan contained more specific local policies and proposals relevant and applicable only to the District of Tendring. Like Section 1, before Section 2 of the Local Plan could be formally adopted, it must first be examined by a Government-appointed Inspector whose job it was to check that: 1) the

plan had been prepared in line with various legal requirements; and 2) that the policies and proposals in the plan complied with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF).

Examination hearings for the Section 2 Plan had taken place in February and March 2021, 'virtually' via Microsoft Teams and the two appointed Inspectors had now written to the Council recommending a series of 'main modifications' that that were considered necessary to ensure Section 2 of the Plan was made 'sound' and for it to thereafter proceed towards formal adoption. Some of the notable modifications being proposed included a full update of the housing figures and protected employment sites, consequential adjustments to the settlement development boundaries to reflect grants of planning permission, the deletion of any unnecessary or redundant policies and the simplification of certain policies.

The Committee was advised that, as part of the statutory process, the 'main modifications' (which the Inspectors considered necessary to make the Local Plan sound) had to be published for six weeks consultation alongside an updated 'Sustainability Appraisal' and 'Habitats Regulation Assessment' for the Section 2 Local Plan. Modifications to the Local Plan Maps (most of which came as a consequence of main modifications or were otherwise consequential changes resulting from the grant of planning permission or physical changes on the ground) and a series of 'additional modifications' which were minor and factual in nature were also recommended, by Officers, for consultation alongside the Main Modifications, in the interest of transparency and completeness.

Next steps

It was suggested by Officers that the public consultation ran from mid-July 2021, which would allow the Inspectors time to see, and if necessary comment, on the updated Sustainability Appraisal and Habitats Regulation Assessment that had been prepared.

Members were informed that, following the consultation, all the responses would be sent to the Inspectors who would then consider the need for any further changes before producing a final report confirming whether the Council could proceed to adopt Section 2 of the Local Plan. It was hoped that the Council could be in a position to adopt the Section 2 Plan by the end of 2021, possibly as early as the autumn.

The Committee also had before it an Update Sheet which had been circulated to Members prior to the commencement of the meeting. The Update Sheet contained a proposed sentence to be added into Main Modification MM33.1 in respect of paragraph 7.4.3. The wording of that proposed sentence had been agreed by Officers with the Inspectors.

At the invitation of the Chairman, Councillor White, present at the meeting in his capacity as Chairman of the Planning Committee, addressed Members and asked a question to which the Assistant Director (Strategic Planning & Place) responded.

Having duly considered and discussed the contents of the report and its appendices, together with the Update Sheet:-

It was moved by Councillor Turner, seconded by Councillor Fairley and:-

RESOLVED unanimously that the Planning Policy and Local Plan Committee –

- a) notes the Planning Inspectors' letter dated 19 May 2021 (attached as Appendix 1 to item A.1 of the Report of the Assistant Director (Strategic Planning & Place)); the recommended 'Main Modifications' (Appendix 2 to the aforesaid report); the 'Additional Modifications' (Appendix 3 to the aforementioned report); and the associated 'Modifications to the Local Plan Maps' (Appendix 4 to the above report), together with the Update Sheet;
- b) following agreement with the Leader of the Council, agrees that Officers can proceed to publish the Main Modifications (including the additional wording to Main Modification MM33.1 contained in the Update Sheet), Additional Modifications and Modifications to the Local Plan Maps for six weeks public consultation, alongside an updated Sustainability Appraisal and Habitats Regulation Assessment, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and for any responses to be forwarded to the Planning Inspectors to enable them to reach final conclusions on the legal compliance and soundness of Section 2 of the Local Plan; and
- c) authorises the Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy and Local Plan Committee and the Planning Inspectors, to decide the dates of the aforementioned public consultation period.

8. **REPORT OF ASSISTANT DIRECTOR (STRATEGIC PLANNING & PLACE) - A.2 - LOCAL DEVELOPMENT SCHEME 2021 - 2024**

The Committee had before it a detailed report (and appendix) of the Assistant Director (Strategic Planning & Place) (A.2) which sought its agreement to publish a new 'Local Development Scheme' (LDS) in order to update the proposed timetable for preparing planning documents including the Local Plan and the Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community.

Members were reminded that every Local Planning Authority must prepare and maintain a LDS in accordance with section 15 of Planning and Compulsory Purchase Act 2004 (as amended). The LDS was the Council's rolling project plan (often covering a period of three years) for producing its Local Development Documents and set out a timetable for their delivery. The LDS must also identify:

- which of their Local Development Documents were local plans or supplementary planning documents;
- the subject matter and geographical area to which any local plan related;
- which local plans (if any) were to be prepared jointly with another Council or Councils; and
- the timetable for the preparation and revision of the local plans.

Local Planning Authorities were expected to revise their LDS at such time as they considered appropriate and make available to the public the up-to-date text and a copy of any amendments made and published on the Council's website, together with up-to-date information showing compliance (or non-compliance) with the timetable.

In relation to Tendring District Council's LDS it was reported to the Committee that the update to the Local Plan timetable had a provisional adoption date of Autumn/Winter 2021 for Section 2, this reflected current progress with the Main Modifications and projected timeline for Consultation, as had been reported to Members earlier in the meeting.

The Committee was informed that the revised timeframe for the Tendring / Colchester Borders Garden Community DPD was outlined in the LDS with a draft DPD scheduled for Members' approval in Winter 2021/22 with the Draft DPD consultation to follow shortly thereafter.

Members were made aware that the LDS also set out the broad timescales for the following Supplementary Planning Documents (SPDs):

- Hartley Gardens SPD;
- Jaywick Sands Design SPD;
- Open Space SPD; and
- Climate Change SPD.

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

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

RESOLVED unanimously that the Planning Policy and Local Plan Committee approves the updated Local Development Scheme 2021-2024, as attached as Appendix 1 to item A.2 of the Report of the Assistant Director (Strategic Planning & Place), for publication on the Council's website.

The meeting was declared closed at 7.08 pm

Chairman

Motion to Council pursuant to Council Procedure Rule 12
submitted by Councillor Ivan Henderson in relation to Grounds
Maintenance Service

“That this Council accepts that its ground maintenance service is failing the tourist economy of the Tendring District as the lack of regular grass cutting and weed clearance is resulting in a negative visual impact for those seeking to enjoy Tendring’s Sunshine Coast.

It is further proposed that the necessary resources are immediately made available to ensure that Tendring’s coastal resorts present a positive visual impact throughout the 2021 summer season and that a review of the grounds maintenance policy then takes place to ensure that this issue does not reoccur in future years.”

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Motion to Council pursuant to Council Procedure Rule 12
submitted by Councillor Mark Stephenson in relation to Covid-19
Memorial and Annual Day of Remembrance

“That Tendring District Council acknowledges the heartache, pain and suffering that Covid-19 has inflicted upon our residents and their families and that this Council supports the provision of a memorial to allow us all to recognise and commemorate the loss of so many loved ones.

The memorial to be situated in a form acceptable to those who have lost loved ones, be that a garden, plaque or public artwork, taking into consideration their wishes, at a suitable location, where families could gather together throughout the year at a day and time significant to them.

That this Council also considers an Annual Day of Remembrance to be established, where all members of the community could gather together for a service of Remembrance.

In addition, the commemoration would also remember all those key workers and volunteers, who continue to provide, throughout this pandemic, help and support and comfort to the bereaved in their time of need.”

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COUNCIL

13 JULY 2021

REPORT OF CHIEF EXECUTIVE

A.2 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

Further to Minute 33 of the meeting of the Council held on 18 May 2021, I formally report that, pursuant to the provisions of Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups was carried out. The results of that review were that the Conservative Group and the Tendring First Group each had to lose one seat and the Tendring Independents Group had to gain two seats.

Consequently, and in accordance with the wishes of the Leaders of the Conservative, Tendring First and Tendring Independents Groups and the authority delegated to me, the following appointments have been duly made since the last ordinary meeting of the Council, namely:-

Human Resources & Council Tax Committee

Councillor Baker has been appointed to serve in place of Councillor Knowles.

Planning Committee

Councillor Baker has been appointed to serve in place of Councillor V E Guglielmi.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

13 JULY 2021

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.2 MEMBERSHIP OF COMMITTEES

Formal appointments dated 27 May 2021.

COUNCIL

13 JULY 2021

REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) & SECTION 151 OFFICER

A.3 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2021/22 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

(Report prepared by Richard Barrett, Wendy Borgartz and Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to review and approve the Annual Capital and Treasury Strategy for 2021/22 (including the Prudential and Treasury indicators).

EXECUTIVE SUMMARY

On 7 April 2021, the Corporate Finance and Governance Portfolio Holder agreed the Annual Capital and Treasury Strategy for 2021/22 (including the Prudential and Treasury Indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

The Resources and Services Overview and Scrutiny Committee considered the Strategy at its meeting on 24 May 2021. Their comment to Cabinet along with the response of the Portfolio Holder for Corporate Finance and Governance was as follows:

Comment of the Resources and Services Overview and Scrutiny Committee	Portfolio Holder's Response
The Committee recommended that Cabinet approves that the submission of all schemes for which there were reserve provisions and one off funds set aside, be subject to the assessment set out in the draft Annual Capital and Treasury Strategy 2021/22 and presented to the Officer Project Board to determine whether the funding should be released.	This will effectively form part of the review of all key projects and activities that is currently underway as part of the accelerated delivery programme.

Members will be aware that the Strategy was included within the published agenda for the meeting of the Cabinet held on 25 June 2021. Cabinet subsequently made the following decision:

“That Cabinet:

- (a) notes the outcome from the Resources and Services Overview and Scrutiny Committee on the 24 May 2021 and agrees the response from the Portfolio Holder for Corporate Finance and Governance; and*
- (b) agrees that the Annual Capital and Treasury Strategy for 2021/22 (including Prudential and Treasury Indicators) attached within Appendix A be submitted to Council for approval.”*

A copy of the published Corporate Finance and Governance Portfolio Holder's report to the Cabinet meeting held on 25 June 2021, together with the Annual Capital and Treasury Strategy 2021/22 are attached as appendices to this report.

RECOMMENDATIONS

That Council approves the Annual Capital and Treasury Strategy for 2021/22 (including Prudential and Treasury Indicators).

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Resources and Services Overview & Scrutiny Committee held on 24 May 2021.

Published Executive Decision taken by the Cabinet on 25 June 2021.

APPENDICES

Published Report of the Corporate Finance and Governance Portfolio Holder for the meeting of the Cabinet held on 25 June 2021.

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

25 JUNE 2021

REPORT OF CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.2 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2021/22 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

(Report prepared by Richard Barrett and Wendy Borgartz)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree the Annual Capital and Treasury Strategy for 2021/22 (including Prudential And Treasury Indicators) for submission to Council on 13 July 2021.

EXECUTIVE SUMMARY

- The Annual Capital and Treasury Strategy for 2021/22, including Prudential and Treasury Indicators, was approved by the Corporate Finance and Governance Portfolio Holder on 7 April 2021 for consultation with the Resources and Services Overview and Scrutiny Committee.
- The Local Government Act 2003 and supporting regulations require the Council to set out its treasury strategy for borrowing, and to prepare an annual Investment strategy (as required by Investment Guidance subsequent to the Act) that sets out the Council’s policies for managing its investments and for giving priority to the security and liquidity of those investments, “having regard” to the Chartered Institute of Public Finance and Accountancy’s (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both documents were issued in December 2017.
- From 2019/20 the Capital Strategy has been combined with the Treasury Strategy into one document, which is required to be updated/approved annually.
- The Resources and Services Overview and Scrutiny Committee considered the Strategy at its meeting on 24 May 2021. Their comment along with the response of the Portfolio Holder for Corporate Finance and Governance is as follows:

Comment of the Resources and Services Overview and Scrutiny Committee	PFH Response
The Committee recommended that Cabinet approves the submission of all schemes for which there were reserve provisions and one off funds set aside, be subject to the assessment set out in the draft Annual Capital and Treasury Strategy 2021/22 and presented to the Officer Project Board to determine whether the funding should be released.	This will effectively form part of the review of all key projects and activities that is currently underway as part of the accelerated delivery programme.

- The proposed Annual Capital and Treasury Strategy for 2021/22 is set out in **Appendix A**. *(For completeness, **Appendix A** also includes the report considered by the Corporate Finance and Governance Portfolio Holder that was considered when approving the strategy on 7 April 2021 for consultation with the Resources and Services Overview and Scrutiny Committee).*
- The Capital Strategy element of the combined document covers the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.
- The Treasury Strategy element of the combined document covers the various elements that satisfy the requirements of the various codes that govern the borrowing and investment activities of the Council and has been prepared in the light of advice received from the Council's Treasury advisors and reflects the latest codes and guidance.
- Prudential and Treasury indicators are included as an Annex to the combined strategy and are therefore included within **Appendix A**.
- Under the Prudential Code the Council has freedom over capital expenditure as long as it is prudent, affordable and sustainable. The Prudential Indicators either measure the expected activity or introduce limits upon the activity, and reflect the underlying capital appraisal systems and enable the Council to demonstrate that it is complying with the requirements of the Prudential Code.
- The Council's investments will be undertaken in accordance with its Treasury Management Practices. These were expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remain at their current low levels it is likely that a significant proportion of the Council's investments will continue to be in government securities such as with other Local Authorities. The business rates grant process associated with COVID 19 has demonstrated a need to maximise flexibility in the range of counterparties the Council uses plus rates paid by the Debt Management Office have frequently been negative since autumn 2020, which is why two Money Market Funds were opened up in December 2020
- As part of the same report last year, the Capital and Treasury Strategy reflected the exploration of using property investment funds as part of the Council's wider investment portfolio. However, at the present time this is no longer being actively

pursued given the significant impact from COVID 19 and how unclear it has made the risk / reward equation going forward. All references to this type of investment have now been removed from the strategy for 2021/22. However, it will be revisited once the economic recovery from COVID 19 has reached the point where it may again be considered as a potential useful addition to the investment portfolio.

- As is always the case, other 'quality' investment opportunities will always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse approach.

RECOMMENDATIONS

That Cabinet:

- a) notes the outcome from the Resources and Services Overview and Scrutiny Committee on the 24 May 2021 and agrees the response from the Portfolio Holder for Corporate Finance and Governance; and**
- b) agrees that the Annual Capital and Treasury Strategy for 2021/22 (including Prudential And Treasury Indicators) attached within Appendix A be submitted to Council for approval.**

APPENDICES

Appendix A – Annual Capital and Treasury Strategy for 2021/22 (*including Prudential and Treasury Indicators and the covering report considered by the Corporate Finance and Governance Portfolio Holder on 7 April 2021*)

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A.2 APPENDIX A(1)

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

7 APRIL 2021

A. ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2021/22 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

(Report prepared by Richard Barrett and Wendy Borgartz)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the agreement of the Portfolio Holder for Corporate Finance and Governance to the Annual Capital and Treasury Strategy for 2021/22 (including the Prudential and Treasury indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

EXECUTIVE SUMMARY

- The Local Government Act 2003 and supporting regulations require the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both documents were issued in December 2017.
- From 2019/20 the Capital Strategy has been combined with the Treasury Strategy into one document, which is required to be updated / approved annually.
- The proposed Annual Capital and Treasury Strategy for 2021/22 is set out in **Appendix A**.
- The Capital Strategy element of the combined document covers the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.
- The Treasury Strategy element of the combined document covers the various elements that satisfy the requirements of the various codes that govern the borrowing and investment activities of the Council and has been prepared in the light of advice received from the Council's Treasury advisors and reflects the latest codes and guidance.
- Prudential and Treasury indicators are included as an Annexe to the combined strategy and are therefore included within **Appendix A**.
- Under the Prudential Code the Council has freedom over capital expenditure as long as it is prudent, affordable and sustainable. The Prudential Indicators either measure the expected activity or introduce limits upon the activity, and reflect the

A.2 APPENDIX A(1)

underlying capital appraisal systems and enable the Council to demonstrate that it is complying with the requirements of the Prudential Code.

- The Council's investments will be undertaken in accordance with its Treasury Management Practices. These were expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remain at their current extremely low levels it is likely that a significant proportion of the Council's investments will continue to be in government securities such as with other Local Authorities. The business rates grant process associated with COVID 19 has demonstrated a need to maximise flexibility in the range of counterparties the Council uses plus rates paid by the Debt Management Office have frequently been negative since autumn 2020, which is why two Money Market Funds were opened up in December 2020.
- As part of the same report last year, the Capital and Treasury Strategy reflected the exploration of using property investment funds as part of the Council's wider investment portfolio. However, at the present time this is no longer being actively pursued given the significant impact from COVID 19 and how unclear it has made the risk / reward equation going forward. All references to this type of investment have now been removed from the strategy for 2021/22. However, it will be revisited once the economic recovery from COVID 19 has reached the point where it may again be considered as a potential useful addition to the investment portfolio.
- As is always the case, other 'quality' investment opportunities will always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse approach.

RECOMMENDATIONS

That the Portfolio Holder for Corporate Finance and Governance approves the Annual Capital and Treasury Strategy for 2021/22 (including Prudential and Treasury Indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of the Capital and Annual Treasury Strategy for 2021/22 will ensure that the Council's Investment and Treasury Management activities are carried out and managed in accordance with best practice, thereby safeguarding money held by the Council and making an appropriate contribution to the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Treasury and Capital Management Strategies and procedures will ensure that the Council's investments and borrowing will be undertaken in such a way as to minimise the Council's exposure to risk. At the same time they will seek to maximise income from investments and minimise the costs of borrowing within the Council's accepted level of risk.

A.2 APPENDIX A(1)

Risk

The placing of investments involves a number of risks. These risks and how the Council will manage them are set out in the Council's Treasury Management Practices.

LEGAL

The Local Authorities (Capital Financing and Accounting) (England) Regulations 2003 include the requirement for local authorities to have regard to CIPFA guidance. By adopting / approving an Annual Treasury Strategy and a Capital Strategy based on the requirements of the relevant and updated codes, the Council is complying with the regulations.

At its meeting on 29 January 2021 Cabinet agreed a delegation to the Portfolio Holder for Corporate Finance and Governance to approve the Capital and Treasury Strategy 2021/22 for consultation with the Resources and Services Overview and Scrutiny Committee.

OTHER IMPLICATIONS

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

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

There are no other implications.

PART 3 – SUPPORTING INFORMATION

BACKGROUND AND CURRENT POSITION

The Annual Capital and Treasury Strategy for 2021/22 is set out in **Appendix A** and is based on the most up to date Treasury Management Code of Practice and the revised Prudential Code, both of which were published by CIPFA in December 2017.

No significant changes are proposed in the Annual Capital and Treasury Strategy for 2021/22 with limited amendments in areas such as the general economic outlook and interest rate forecasts – the changes made to the strategy since last year are shaded in grey and are in italic font.

In respect of CIPFA's Treasury Management Code of practice, the most recent and fundamental revision to the code was in 2017 which has been incorporated within the Annual Treasury Strategy where relevant. By approving the Annual Treasury Strategy for 2018/19, the Council adopted the latest CIPFA Code of Practice for Treasury Management in the Public Services. (the '2017 code').

Although not specified within the Treasury Strategy, the need to borrow money may arise in future years to reflect the Council's current commitments, corporate priorities and strategies. If the need / option to borrow money was identified, then it would form part of the associated and separate decision making process and would be considered within the overall Treasury Strategy framework.

The Council maintains a very low risk appetite approach to its treasury activities. Given the extremely low interest rate environment, even if the Council were to increase the level of risk it would be willing to accept, the increased returns would only be marginal and therefore would not provide a credible / alternative option at the present time. However, officers will continue to explore opportunities to maximise investment returns, within this

A.2 APPENDIX A(1)

overall context in 2021/22.

One of the key elements within the Capital Strategy is to have processes in place to ensure projects are delivered on time and within budget. However, COVID 19 has had a significant and unprecedented impact on the delivery of a number of projects over the past 12 months. However, the Council has taken steps that seek to accelerate the delivery of a number of projects as part of recovering from the pandemic's impact which includes increasing officer capacity which was backed by a £200k commitment by Cabinet at its 19 March meeting.

In terms of sources of funding, the Government introduced a significant new constraint in terms of borrowing from the Public Works Loan Board (PWLb) during the year. If a local authority purchases assets or plans to purchase assets over a future three year period to generate investment income, then they will no longer be able to borrow money from the PWLB. This applies to all such purchases regardless of how they are funded. Although no such purchases are currently planned, this constraint may need to be considered in the future, as the Council could lose access to the preferential rates available from the PWLB.

Draft Prudential Indicators are set out in Annex 1 to Part 2 of the Capital and Treasury Strategy. Annex 2 to Part 2 of the Treasury Strategy sets out the specified and Non-Specified investments the Council may use in 2021/22.

In accordance with the relevant codes, the Capital and Treasury Strategy is subject to consultation with the Resources and Services Overview and Scrutiny Committee before being recommended to Council for approval before the start of each financial year.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A - Annual Capital and Treasury Strategy 2021/22

Tendring
District Council



**ANNUAL CAPITAL AND
TREASURY STRATEGY
2021/22**

PART 1 – CAPITAL STRATEGY 2021/22 to 2023/24

1. Introduction

SECTION A - Achieving Outcomes / Delivering Against Priorities

2. Corporate Priorities and Links to Other Key Strategies
3. Roles and Responsibilities in Respect of the Capital Strategy and the Formulation and Monitoring of the Capital Programme

SECTION B - Capital Investment and Sources of Funding

4. Capital Investment Considerations
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Part 1 Annex 1 – Quick Reference Guide – Information Expected to be Included in Capital Investment Decisions Where Relevant

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PART 2 – TREASURY STRATEGY FOR 2021/22

1. Introduction
2. Treasury Limits for 2021/22 to 2023/24
3. Prudential and Treasury Indicators for 2021/22 to 2023/24
4. Current Portfolio Position
5. Borrowing Requirement
6. Economic Position
7. Interest Rates
8. Borrowing strategy
 - 8.1 External v internal borrowing
 - 8.2 Gross and Net Debt Positions
 - 8.3 Policy on borrowing in advance of need
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10. Annual Investment Strategy
 - 10.1 Investment Policy
 - 10.2 Creditworthiness Policy
 - 10.3 Credit Limits
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 - 10.5 Investment Strategy
 - 10.6 Allocation of Investment returns between GF and HRA.
 - 10.7 End of year investment report

Part 2 Annex 1 – Proposed Prudential Indicators 2020/21 revised, 2021/22 and forecasts for 2022/23 to 2023/24

Part 2 Annex 2 – Specified and non-specified investments

PART 1 – CAPITAL STRATEGY

INTRODUCTION

The Capital Strategy is an overarching document that sets out the Council's approach to Capital Investment and how it seeks to deliver value for money against the following underlying key principle, which is subject to review by the Council's External Auditor each year:

The Council has put in place 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources, which comprises of:

1. *Taking informed decisions;*
2. *Deploying resources in a sustainable manner; and*
3. *Working with partners and other third parties.*

Against this backdrop, the Capital Strategy is divided into two sections:

Section A provides an introduction and sets out the context for the Capital Strategy. It sets out how the plan links to corporate priorities and shows how they link to other key resource strategies and the related roles and responsibilities of members and officers.

Section B covers the framework within which capital financing decisions are considered and provides background to the funding sources available to meet the costs of capital projects that are included within the Capital Programme.

The Capital Programme is the term used for the Council's rolling plan of investment in assets. The programme spans a number of years and contains a mix of individual schemes.

Investment can include expenditure on:

- *Infrastructure such as open spaces, coast protection*
- *New build*
- *Enhancement of buildings through renovation or remodelling;*
- *Major plant, equipment and vehicles;*
- *Capital contributions to other organisations enabling them to invest in assets that contributes to the delivery of the Council's priorities.*

The Capital Programme is distinct from the Council's revenue budget which funds day-to-day services, but they are both linked and are managed together.

There is a strong link with the Treasury Management Strategy set out in PART 2 that provides a framework for the borrowing and lending activity of the Council.

The Council has set a de-minimus level of £10,000, below which expenditure is not classed as capital expenditure, but is charged instead to the revenue account.

SECTION A - ACHIEVING OUTCOMES/DELIVERING AGAINST PRIORITIES

CORPORATE PRIORITIES

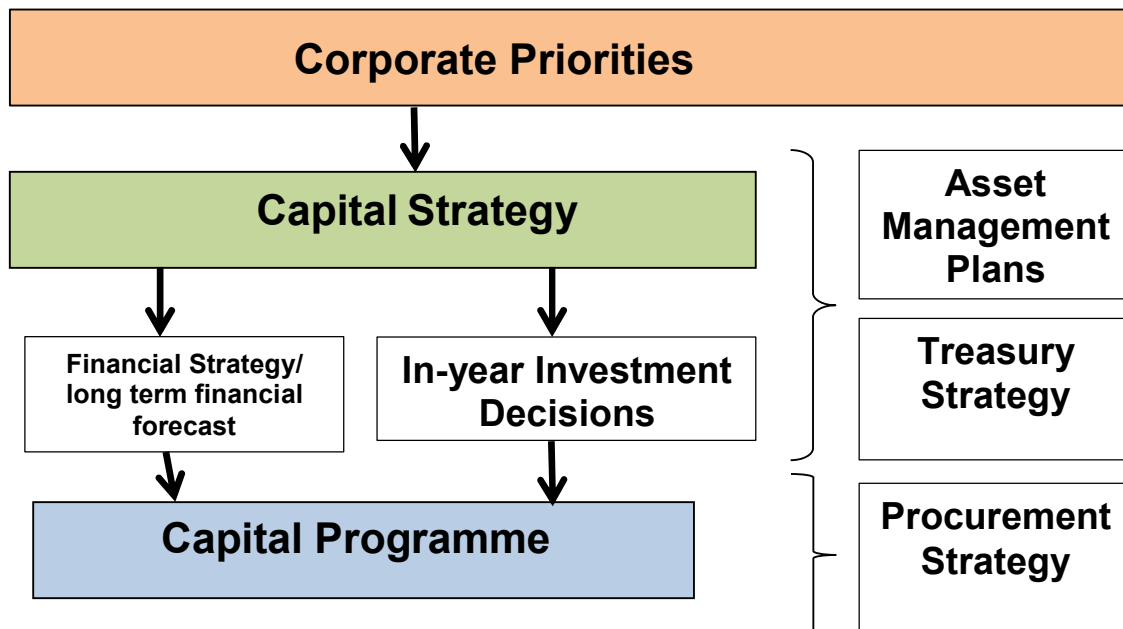
The Capital Strategy is subject to ongoing review and has a key role in supporting the delivery of the Council’s Corporate Priorities

The Capital Strategy aims to set out the arrangements and processes in place to manage capital resources, the relationship with the Council’s other key resource strategies and the practical/sustainable outcomes of those arrangements and processes by:

1. Setting out how schemes are evaluated and prioritised within the resources available.
2. Ensuring that any investment decision is prudent, sustainable and affordable in accordance with the prudential code and therefore represents value for money.
3. Setting out the performance processes in place to ensure that projects are delivered on time and within budget.
4. Ensuring that expected outcomes are delivered and lessons learnt from previous investment decisions.

LINKS TO OTHER KEY STRATEGIES

The ability of the Council to undertake capital investment to deliver its corporate objectives will be influenced or have direct links to a number of strategies, with the key ‘links’ set out below:



The above sets out the strategies/processes that are more closely aligned to the capital investment decision but are by no means exhaustive. Although subject to changes over the life of this Strategy, other key strategies and

policies may also need to be reflected in the investment decision such as those associated with workforce/staff capacity and ICT delivery. Decision-making must therefore reflect these requirements where relevant/necessary.

In respect of ICT within the Council, associated strategies or requirements set out how the Council intends to use technology to support service delivery and transform the way it delivers its services. ICT is therefore recognised as a key enabler in supporting capital investment and delivering sustainable outcomes.

The **long-term financial forecast** plays a pivotal role in developing and delivering capital investment. The long-term financial forecast not only determines the financial resources available to fund capital investment, both in terms of the initial investment and any revenue consequences of the capital investment itself, it also provides a framework for the consideration and prioritisation of capital projects. It is however recognised that to remain flexible to take advantage of investment opportunities that may arise during the year decisions may be required in line with the Council's Financial Procedure Rules. The long-term financial forecast is reported to Cabinet each quarter, which allows this flexibility. To ensure consistency, such decisions should also follow the same requirements set out within the Capital Strategy.

The Treasury Strategy is also highlighted above as a key influence as it sets out the Council's overall approach to debt and borrowing. This approach along with affordability form part of the investment decisions that are brought together via the long term financial forecast process on a rolling basis through the year.

Other significant influences include the Local Development Framework (LDF) which sets out the Council's vision for change and new growth in the Tendring District in the long term which could present the Council with investment opportunities for consideration alongside other investment options.

ROLES AND RESPONSIBILITIES IN RESPECT OF THE CAPITAL STRATEGY AND THE FORMULATION AND MONITORING OF THE CAPITAL PROGRAMME

Management Team – As the most senior officer team of the Council the Management Team approves the Capital /Treasury Strategy for submission to Cabinet and having regard to the Council's priorities, recommends projects for inclusion in the Capital Programme in consultation with Portfolio Holders/ Cabinet (via the long term financial forecast process). Management Team also considers all significant investment decisions via a project initiation / development process prior to formal reporting to Members, especially those associated with in-year investment decisions.

Departments support Management Team in the above process through the development and investigation of investments opportunities and submitting

reports / project initiation and development documentation in support of the associated capital projects.

Cabinet (including Portfolio Holders acting within approved delegations)

– The Cabinet recommends the 5 year capital programme to Council. The Cabinet and the Corporate Finance and Governance Portfolio Holder can, within the limits set by the Council's Financial Procedure Rules, approve supplementary estimates or approve virements between schemes during the year as part of separate investment decisions. The Cabinet is required to approve the Capital / Treasury Strategy each year.

Council – Approves a *multi-year* Capital Programme as part of the budget setting process in February each year and approves the Capital / Treasury Strategy in March each year *or as soon as possible thereafter*.

Subject to the limits set out in the Council's Financial Procedure rules, Council may be required to approve supplementary estimates to increase the costs of approved schemes or add new schemes over and above amounts that individually or on aggregation are over and above those amounts ordinarily agreed by Cabinet as part of in-year investment decisions.

CONSULTATION

The views of the local community and stakeholders are an important element in developing the priorities for the Council and identifying capital investment opportunities. This can be achieved in a number of ways depending on the specific investment that is considered, *which should be complemented by wider consultation exercises such as those associated with the development of corporate priorities and the long term forecast where necessary*.

In addition to the above, Departments are expected to review the need to undertake consultation and the scale of that consultation, as appropriate, as part of the investment decision-making process.

MONITORING OF THE CAPITAL INVESTMENT/CAPITAL PROGRAMME

In terms of performance and monitoring the delivery of capital investment, this is primarily achieved through the existing and comprehensive financial processes such as the long-term financial forecast and budget setting process, outturn review and the quarterly financial performance reporting. In respect of the quarterly financial performance reports, an update on the delivery of projects and the position against the budget is included, which is reported to both Cabinet and the relevant Overview and Scrutiny Committee during the year. Some capital projects may also form part of the Council's separate Performance Monitoring process that is also reported to Members *during the year*.

Where capital investment is material, the scheme or project may be subject to review by internal audit which would be at the discretion of the Internal Audit

Manager as part of the annual Internal Audit Plan or if required by other key stakeholders.

SECTION B – CAPITAL INVESTMENT AND SOURCES OF FUNDING

CAPITAL INVESTMENT CONSIDERATIONS

The Council's capital investments are made in accordance with the Prudential Code, which aims to ensure that the capital investment plans of local authorities are affordable, prudent and sustainable, which should also include where necessary a prioritisation and appraisal process. Under the Code the Council is free to determine the amount it borrows to finance capital investment.

All of the Council's capital investment is managed in accordance with the requirements of the Prudential Code. The prioritisation of capital investment is directly linked to the long-term financial forecast and/or in-year budget amendment processes as previously explained, which are undertaken in an open and transparent manner.

Schemes that are agreed but not funded as part of the long-term financial forecast process should where relevant/practical be considered a prioritised list which in effect becomes a 'live' schedule of investment opportunities against which further investment opportunities should be considered during the year.

The Council faces ongoing significant financial challenges over the period of this Capital Strategy due to the significant reductions in Government Funding *over recent years and the potential longer impact of the COVID 19 pandemic on Council funding. The latest long-term financial forecast for 2021/22 to 2026/27 reflects annual deficits, albeit on a reducing basis over the remaining period of plan, which is supported by the Forecast Risk Fund.* To deliver the level of efficiencies and transformation that will in turn support the delivery of the long-term forecast, the following key principles have been identified which should be a key consideration of capital investment decisions:

Design schemes/projects to limit as far as possible any negative impact on the Council's on-going revenue budget.

Promote capital investment which allows either invest to save outcomes or generates a revenue and/or capital return and/or generates additional external grant (e.g. new homes bonus) or core funding (e.g. Business Rates) whilst clearly setting out how it contributes to the Council's Corporate Priorities

Foster effective working relationships with potential funders/partners.
Carefully consider value for money and efficiency of projects and associated outcomes.
Project risk is fully explored and mitigating actions identified and taken as necessary.
Ensure appropriate project management tools and documentation are used <i>and that project timescales are adequately matched to the capacity to deliver the project, both internally and externally (where internal, this needs to include services such as Legal, Finance and HR).</i>
Responsibility for the delivery of the project is clearly defined and understood.
How the proposed investment contributes to the Council's commitment to be carbon neutral by 2030.

Although not always necessarily subject to formal reporting, as part of the Council's project management processes, Departments are expected to evidence the outcome from any investment undertaken against the key criteria set out within this Capital Strategy to inform future investment decisions with high level information being available within the usual performance/budget monitoring reports.

To promote consistency, a quick reference guide for detailed information that is expected to form part of any investment decisions is set out as **Annex 1**.

Impact Assessments

Impact assessments may be required depending on the specific capital investment decisions being considered. Therefore, as part of the Council's project management processes, Departments are expected to consider whether it is necessary to complete an impact assessment based on the Council's usual processes and documentation at the time a decision is made.

SOURCES OF FUNDING

Capital investment will have to be undertaken within the Council's limited resources and challenging financial environment.

In limited cases the cost of capital investment is supported by external grants/contributions. Any other capital investment the Council wishes to make has to be funded from its own resources or by borrowing (the revenue cost being met entirely by the Council). The Council's Financial Strategy/long term financial forecast includes consideration of a ten-year forecast, taking into account the revenue implications of capital investment plans and the resources available to fund capital investment. The level of capital investment will be constrained

by the available resources identified via the long-term financial forecast process including revenue contributions or the ability to attract external funding and the generation of capital receipts. Any decision to invest in capital projects will need to match the available resources against criteria set out above, including how it meets corporate priorities.

In planning any capital investment to contribute towards the achievement of the Council's priorities, the following resources are available:

- a) **Revenue Funding (Including Reserves)** – This continues to be limited each year given the challenging financial environment and on-going government grant reductions. This funding stream will need to be considered within the overall financial planning processes each year, including that for the HRA, which operates under a self-financing environment where changes in Government Policy have limited the revenue contributions available to support capital investment.
- b) **Capital grants/contributions** – These have contributed significantly to past and current capital projects and many aspects of the Council's and its partners' objectives can only be met if this funding source continues to be pursued. *The delivery of the Council's priorities and commitments* continue to be supported by successful grant applications. Section 106 money flowing from the planning process is also a significant source of external funding.
- c) **General Fund Capital Receipts** – It is acknowledged that the Council's current property/land holdings are not of significant high value or volume. Nevertheless the Council recognises this important funding source and continually reviews its assets as *part of separate asset management / investment plans* which provide the context to consider opportunities to dispose of any assets that are surplus to requirements and/or not contributing to the delivery of the Council's priorities or where they provide alternative investment opportunities.
- d) **Borrowing within the Prudential Framework (Prudential Borrowing)** – The Council has the freedom to borrow to finance its capital expenditure provided it can demonstrate the prudence of the investment and its affordability and sustainability. *During 2020/21 the rules governing borrowing from the PWLB were amended such that from 25 November 2020 no borrowing from the PWLB is allowed if an authority has purchased assets for yield in its capital programme for the following three years. Neither the General Fund nor the Housing Revenue Account capital programmes for 2021/22 to 2023/24 involve any such schemes. This means the Council is still able to access PWLB funding at preferential rates if it is prudent, affordable and sustainable.*

CAPITAL STRATEGY CONCLUSIONS

The Capital Strategy sets out the high-level arrangements and processes to ensure that capital investment is managed within the Council's overall financial framework. It aims to ensure that its limited resources are applied consistently and effectively towards delivering the priorities of the Council. It links together the capital expenditure implications of various plans and strategies.

PART 1 - ANNEX 1**QUICK REFERENCE GUIDE – Information Expected to be Included in Capital Investment Decisions Where Relevant**

Formal Investment Considerations/Decisions/Business Cases
Link to priorities (including commitment to be carbon neutral by 2030) and/or 'safeguarding' of a Council Asset and what are the measurable benefits of the planned investment
Return on Investment/Net Present Value
Whole Life Costing/Revenue Consequences
Payback Periods
Key risks and how they will be managed
Alternative Options/Opportunity Costs
Sustainability
Financial Resources Available/Funding Options
Impact assessment where relevant
Capacity/Deliverability
Other considerations/important information to discuss/share with relevant internal department(s) and/or for inclusion in the formal decision making process if significant
Cash Flow Forecasts
VAT Arrangements/Implications
Insurance issues
Risk Management implications
Procurement processes

PART 1 - ANNEX 2**General Fund Capital Programme 2021/22 to 2023/24**

Capital Expenditure - General Fund £000s	2019/20 Actual	2020/21 Revised	2021/22 Estimate	2022/23 Forecast	2023/24 Forecast
Total Capital Expenditure	5202	10,783	816	824	812
Financing - General Fund					
External contributions	(23)	(43)	-	-	-
Section 106	(7)	(109)	-	-	-
Coast protection grant	(1,670)	(439)	-	-	-
Other Government grants	(40)	(282)	-	-	-
Disabled Facilities Grant	(1,507)	(5,265)	(757)	(757)	(757)
Capital receipts	(28)	(825)	-	-	-
Direct revenue contributions	(341)	(57)	(55)	(55)	(55)
Earmarked reserves	(1,586)	(3,763)	(4)	(12)	-
Total Capital Financing	(5,202)	(10,783)	(816)	(824)	(812)
Net Financing need (External Borrowing)	0	0	0	0	0

HRA Capital Programme 2021/22 to 2023/24

Housing Revenue Account Capital Schemes £000	2019/20 Actual	2020/21 Revised	2021/22 Estimate	2022/23 Forecast	2023/24 Forecast
Total Capital Expenditure	5,370	3,457	3,457	3,176	3,176
Financing - Housing Revenue Account					
Major repairs reserve	(3,652)	(3,176)	(3,176)	(3,176)	(3,176)
Direct revenue contributions	(1,197)	(281)	(281)	-	-
Section 106	(86)	-	-	-	-
Capital receipts	(368)	-	-	-	-
External contributions	(67)	-	-	-	-
Total Capital Financing	(5,370)	(3,457)	(3,457)	(3,176)	(3,176)
Net Financing need (External Borrowing)	0	0	0	0	0

PART 2 – TREASURY STRATEGY

1. Introduction

The Local Government Act 2003 (the Act) and supporting regulations require the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. Both CIPFA Codes were revised in December 2017 and this treasury strategy has been drawn up with regard to the revised Codes.

The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by Investment Guidance issued subsequent to the Act) which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

The Council's risk appetite is low and it takes a risk-averse approach to Treasury Management, with the security and liquidity of the investment the prime concern, and the budget for income from investments being formulated on this basis. The Annual Strategy for 2021/22 is based on this risk-averse approach continuing.

For a number of years the Council has engaged the services of treasury advisors to provide its officers with advice on treasury management issues. The current advisors are Link Asset Services, Treasury solutions. However the final decision and responsibility for the actions taken sits with the Council's own officers after considering that advice.

The details of the delegations and responsibilities for treasury management are contained within the Council's Constitution as follows:-

- Part 3 – delegated powers – The Executive / Corporate Finance and Governance Portfolio Holder
- Part 5 – Financial Procedure Rules

2. Treasury Limits for 2021/22 to 2023/24

It is a statutory duty under Section 3 of the Act and supporting regulations for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the "Affordable Borrowing Limit". In England and Wales the Authorised Limit represents the legislative limit specified in the Act.

The Council must have regard to the Prudential Code when setting the Authorised Limit of external debt, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax and council rent levels is 'acceptable'. Capital investment must be considered in the light of the overall strategy and

resources available, with decisions made with sufficient regard to the long term financing implications and potential risks.

Whilst termed an “Affordable Borrowing Limit”, the capital plans to be considered for funding must include both external borrowing and other forms of liability, such as credit arrangements. The Authorised Limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years. Details of the Authorised Limit can be found in Annex 1 of this part of the report.

The authorised limit reflects the additional borrowing requirement as part of the Housing Revenue Account (HRA) self-financing reforms. The Housing self-financing reforms also set an overall ‘debt cap’ for the HRA which in itself reflects an affordability level based on the Government’s model of how much debt can be supported by the HRA after considering the forecast of income from rents and management and maintenance costs over a 30 year period. The HRA debt cap for Tendring was £60,285,000, but the Government announced the abolition of the HRA debt cap from 29 October 2018. *Any borrowing for the HRA will be in accordance with the Council’s Housing Strategy 2020-2025.*

3. Prudential and Treasury Indicators for 2021/22 to 2023/24

Prudential and Treasury Indicators are relevant for the purposes of setting an integrated Treasury Management Strategy. The latest revisions to the CIPFA Code of Practice on Treasury Management and to the CIPFA Prudential Code are effectively adopted via the approval of this Strategy which reflects the most up to date codes and guidance.

4. Current Portfolio Position

The Council’s treasury position at the end of *February 2021* comprised:

- *GF borrowing from The Public Works Loan Board (PWLB) of £0.152 million at fixed rates at an average rate of interest of 7.37%*
- *HRA borrowing from the PWLB of £38.441 million at fixed rates at an average rate of 3.47%*
- *Investments of cash flow surpluses, which include reserves and capital receipts, on a short-term basis (less than 1 year) totalling £72.698 million at an average rate of interest of 0.30%.*

5. Borrowing Requirement

No new, alternative or replacement borrowing is currently reflected in the budgets for both the General Fund and HRA for the period *2021/22* to *2023/24*. This position therefore excludes any assumptions on additional borrowing, which would be subject to further consideration as necessary set against the underlying principle of the Council’s borrowing requirement being kept under on-going review to respond to any new / future burdens or priorities and overall financial position.

6. Economic Position

The Council's Treasury Advisors provide economic updates during the year with their latest summary set out as follows:

World economy

World growth has been in recession in 2020, due to the global coronavirus pandemic and this is likely to continue into the first half of 2021 before recovery in the second half. Inflation is unlikely to be a problem for some years due to the creation of excess production capacity and depressed demand. Central banks are likely to support growth by keeping interest rates very low for longer. Governments are also likely to help quicker recovery by providing more fiscal support to their economies at a time when total debt is affordable due to the very low rates of interest. They will also need to avoid significant increases in taxation or austerity measures that depress demand.

UK economy

The Bank of England Monetary Policy Committee kept the bank rate and quantitative easing unchanged on 4 February 2021, but revised its economic forecasts to take account of the third national lockdown, which will delay economic recovery. Although the short-term forecasts were cut, the medium-term forecasts were more optimistic based on an assumption that the current lockdown will be gradually eased after Quarter 1 as vaccines are gradually rolled out and life can then start to go back to some sort of normality. It is now likely that total borrowing will probably reach around £420 billion. However, the low interest rates on gilts locked in for the future due to the level of quantitative easing means the total interest bill paid by the Government is manageable. Quarter 4 GDP data for 2020 shows that the economy was 8.6% smaller than in Quarter 4 2019. A strong recovery in the second half of 2021 is likely to mean that the economy recovers to its pre-pandemic level during Quarter 1 of 2022.

There will be some painful longer-term adjustments as, for example, office space and travel may not recover for several years. The impact of the pandemic is also likely to reverse globalisation as it has exposed the vulnerability of long-distance supply chains, although digital services have seen huge growth, But this is the backdrop for the expected long-term very low interest rate environment.

7. Interest Rates

The following table gives the Council's External Treasury Advisor's view on Bank Rate movements and their forecast for the PWLB new borrowing rate based on that view. The PWLB rates are based on the 'Certainty Rate' introduced by the Government for local authorities providing improved information and transparency on their locally-determined long-term borrowing and associated capital spending plans. Investment returns are likely to remain *exceptionally* low during 2021/22 and beyond.

	Bank Rate	Average earnings rate projected by the Council's External Advisors			PWLB Borrowing Rate			
		3 month	6 month	12 month	5 yr.	10 yr.	25 yr.	50 yr.
Mar 2021	0.10	0.10	0.10	0.20	1.20	1.60	2.10	1.90
Jun 2021	0.10	0.10	0.10	0.20	1.20	1.70	2.20	2.00
Sep 2021	0.10	0.10	0.10	0.20	1.20	1.70	2.20	2.00
Dec 2021	0.10	0.10	0.10	0.20	1.30	1.70	2.20	2.10
Mar 2022	0.10	0.10	0.10	0.20	1.30	1.80	2.40	2.20
Jun 2022	0.10	0.10	0.10	0.20	1.30	1.80	2.40	2.20
Sep 2022	0.10	0.10	0.10	0.20	1.40	1.90	2.40	2.20
Dec 2022	0.10	0.10	0.10	0.30	1.40	1.90	2.50	2.30
Mar 2023	0.10	0.10	0.20	0.30	1.40	1.90	2.50	2.30
Jun 2023	0.10	0.10	0.20	0.40	1.40	2.00	2.50	2.30
Sep 2023	0.25	0.30	0.40	0.50	1.50	2.00	2.50	2.30
Dec 2023	0.25	0.30	0.40	0.50	1.50	2.00	2.50	2.30
Mar 2024	0.25	0.30	0.40	0.50	1.50	2.00	2.60	2.40

The coronavirus outbreak has done huge economic damage to the UK and economies around the world. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its subsequent meetings up to 4th February. As shown in the forecast table above, no increase in Bank Rate is expected until 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.

8. Borrowing Strategy

8.1 External v Internal Borrowing

The main Prudential Indicator relevant to capital investment is the Capital Financing Requirement (CFR). This is the total outstanding capital expenditure that has not yet been funded from either revenue or capital resources and is therefore a measure of the Council's underlying borrowing need after taking into account the provision included in the revenue budgets for the repayment of outstanding debt.

The borrowing to finance the capital expenditure can be either from external sources or the Council can use its own internal resources.

The planned external debt compared to the CFR over 5 years is shown in the following table, the difference between the two being the amount the Council has funded from internal resources. This is also set out separately for the GF and the HRA. This excludes other long term liabilities such as long term creditors and pensions which form part of the separate Financial Strategy process of the Council from a prudential perspective.

Total External Debt

	Actual 2019/20	Revised 2020/21	Estimate 2021/22	Forecast 2022/23	Forecast 2023/24
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	42,076	40,313	38,593	36,922	34,700
Estimated change in debt	(1,763)	(1,720)	(1,671)	(2,222)	(1,422)
Estimated debt as at 31 March	40,313	38,593	36,922	34,700	33,278
CFR as at 31 March	45,554	43,673	41,800	39,384	37,777
Difference - internally financed	5,241	5,080	4,878	4,684	4,499

General Fund External Debt

	Actual 2019/20	Revised 2020/21	Estimate 2021/22	Forecast 2022/23	Forecast 2023/24
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	306	207	151	144	136
Estimated repayment of debt	(99)	(56)	(7)	(8)	(8)
Estimated debt as at 31 March	207	151	144	136	128
CFR as at 31 March	5,448	5,231	5,022	4,820	4,627
Forecast of internal financing	5,241	5,080	4,878	4,684	4,499

HRA External Debt

	Actual 2019/20	Revised 2020/21	Estimate 2021/22	Forecast 2022/23	Forecast 2023/24
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	41,770	40,106	38,442	36,778	34,564
Estimated repayment of debt	(1,664)	(1,664)	(1,664)	(2,214)	(1,414)
Estimated debt as at 31 March	40,106	38,442	36,778	34,564	33,150
CFR as at 31 March	40,106	38,442	36,778	34,564	33,150
Forecast of internal financing	0	0	0	0	0

In respect of the General Fund, the Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with external loans, as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy remains prudent, as investment returns are *very* low and counterparty risk is relatively high, and will be continued.

The Council's officers have made an assessment, based on advice from treasury advisors, of the amount of internal resources that it is prudent to use to finance capital expenditure and it is felt, taking into account the Council's financial position, that approximately £4m-£5m would at the present time and over the medium term be an appropriate level of internal borrowing. A maturity loan of £1m fell due for repayment in 2014 but this was not replaced which has led to the current internal borrowing position running just ahead of the £5m level. However given the continuing *very* low return on investments and no significant increases in PWLB interest rates in the immediate future, *(the 1% unexpectedly added to all PWLB rates in October 2019 was reversed in November 2020 provided an authority has no plans for commercial property investment, however that is to be funded)* it is felt prudent to maintain this position in the short term although this will be kept under review in consultation with the Council's external advisors.

The use of internal resources is only a temporary solution as, in time, these reserves and capital receipts will be utilised to finance service initiatives and capital investment and at that point will not be available. This will need to be balanced against the replacement external borrowing which will be required at some point in the future which may attract higher rates of interest, so timing of such borrowing will need to consider forecasted rates of interest against the various types of borrowing structure to determine the most advantageous approach. Against this approach consideration may be required to borrow in advance of need, as set out in section 8.3 below, so as to reduce the need to borrow when interest rates may be higher.

8.2 Gross Debt v Investments

A comparison between the Council's gross and net borrowing position helps to assess the credit risk that would apply if the Council has surplus resources invested at a low interest rate which could be used to repay existing debt or to negate the need for additional new debt if at higher interest rates than that being achieved on the investments.

The table below sets out the Council's probable position taking account of both the individual GF and HRA debt figures.

Comparison of gross and net debt positions at year end	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Probable out-turn	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
General Fund external debt (gross)	207	151	144	136	128
HRA external debt (gross)	40,106	38,442	36,778	34,564	33,150
Investments	66,460	58,000	15,000	15,000	15,000
Net debt	(26,147)	(19,407)	21,922	19,700	18,278

The net debt positions show that the Council does not have underlying excess resources which could be used to repay long term debt – the surpluses and high current investment figures represent carry forwards and the current level of reserves / one-of budgets.

If opportunity arises, external debt will be repaid early, although this is difficult under current arrangements as set out in section 9. If borrowing is required then any requirement will be considered whilst balancing internal resources and forecasted interest rates within the parameters previously set out.

Against this background caution will be maintained within the 2021/22 treasury operations. Interest rates will be monitored and a pragmatic approach adopted to changing circumstances with appropriate action taken in accordance with the Council's Financial Procedure Rules.

8.3 Policy on borrowing in advance of need

The Council cannot borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

In determining whether borrowing will be undertaken in advance of need the Council will;

- ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need;
- ensure the ongoing revenue liabilities created, and the implications for the future plans and budgets have been considered;
- evaluate the economic and market factors that might influence the manner and timing of any decision to borrow;
- consider the merits and demerits of alternative forms of funding;
- consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use;
- consider the impact of borrowing in advance on temporarily (until required to finance capital expenditure) increasing investment cash balances and the consequent increase in exposure to counterparty risk, and other risks, and the level of such risks given the controls in place to minimise them.

9. Debt Rescheduling

Officers together with the treasury advisors examine on a regular basis the potential for undertaking early repayment of some external debt to the PWLB in order to maximise any potential financial advantages to the Council. However, the continuing and significant difference between new borrowing and repayment rates has meant that large premiums would be incurred by such action and cannot be justified on value for money grounds. This situation will be monitored in case the differential is narrowed by the PWLB or repayment rates change substantially.

As short term borrowing rates will usually be cheaper than longer term rates there may be some potential for some residual opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the size of premiums incurred, their short term nature, and the likely cost of refinancing these short term loans once they mature compared to the current rates of longer term debt in the existing portfolio.

Any opportunities for debt rescheduling will be considered if such action would be advantageous to the Council. The reasons for any rescheduling to take place will include:

- the generation of cash savings and/or discounted cash flow savings
- helping to fulfil the strategy outlined above
- enhance the balance of the portfolio

Consideration will also be given to identifying if there is any residual potential left for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt.

10. Investment Strategy

10.1 Investment Policy

The Council will have regard to the Department of Communities and Local Government's (CLG) Guidance on Local Government Investments, the latest CIPFA Treasury Management in Public Services Code of Practice and Guidance Notes (the Code) along with any relevant revisions or updates. The Council's investment priorities when investing are: -

- The security of capital and
- The liquidity of its investments.

The Council will also aim to achieve the optimum return on its investments commensurate with these main priorities. It is important to note that the borrowing of monies purely to invest or on-lend and make a return is unlawful.

Investment instruments identified for use in the financial year are listed in Annex 2 under the 'Specified' and 'Non-Specified' Investments categories. Counterparty limits will be as set through the Council's Treasury Management Practices – Schedules.

The majority of the Council's investments will be in Specified Investments although the Council has limited investments in Non- Specified investments.

During 2017/18 the Council purchased an investment property in Clacton, which is a Non-Specified investment. The historic cost (including stamp duty) of this asset was £3.245 million and it is financed from revenue. The property was purchased with the aim of yielding rental income and with the potential for capital gains. This investment does not have a defined maturity date and it is an illiquid investment as the Council would need to sell the underlying asset to redeem the investment.

The property will be subject to annual revaluation to reflect current value under the requirements of the Accounting Code of Practice and this will be reported in the Statement of Accounts. At 31 March 2020 the carrying value of the property was reduced by the Council's external Valuer to £2.155 million and at 30 September 2020 the carrying value was further reduced to £1.985 million. The anticipated return on the property through rental income compared to the historic cost is forecast to remain in line with the figures included in the report to Cabinet where the decision to purchase was made. Although the property is currently not being used for trading, the terms of the lease require payment of the rent until the end of the lease term.

The Council has adopted a Commercial Property Investment Policy which will be maintained as a separate document within the wider Treasury Strategy framework.

The Council does not intend to use derivative instruments as part of its treasury activities during the year.

During 2020/21 the Council opened accounts with two Money Market Funds, as the Debt Management Office interest rates became negative on occasions in late 2020 and additional liquidity flexibility was required beyond that of the call accounts. Both Money Market Funds are triple A rated and are currently paying interest at 0.01%.

10.2 Creditworthiness Policy and changes to the credit rating methodology

This Council uses credit ratings from all three rating agencies - Fitch, Moodys and Standard and Poors. In determining the appropriate credit rating the Council will use the lowest rating available to determine the investment limits both in terms of amount and period for a particular counterparty. This is in accordance with the recommendations of The Code. Counterparties rated by only one agency will not be used.

One of the credit rating agencies may be more aggressive in giving lower ratings than the other two agencies and this could result in the Council's counterparty list becoming too restrictive. If this happens the position will be discussed with the Council's treasury advisors and the Treasury Management Practices may need to be revised in accordance with delegated powers set out in the Council's Constitution.

- All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Creditworthiness Service provided by the Council's external advisors which is downloaded from Link Asset Services website each morning and uploaded to the Treasury Management system.
- If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use for a new investment will be withdrawn immediately.

The Code also recommends that credit ratings are not the sole determinant of creditworthiness and therefore the Council will also use available market information from a variety of sources including

1. The Creditworthiness Service utilises movements in Credit Default Swaps against the iTraxx benchmark and other market data on a weekly basis. This creditworthiness service information will be used to confirm the assessed creditworthiness derived from the three ratings agencies. Where the information from this service indicates a lower standing for a particular counterparty than that derived via the credit ratings then the investment limits and length of investments applicable to that counterparty will be adjusted accordingly or the counterparty removed from the list.
2. Market data and information,

3. Information on government support for banks and the credit ratings of that government support

10.3 Credit Limits

Through its approved Treasury Management Practices the Council will set maximum limits for the amount that can be invested with any counterparty. This limit will be determined by reference to the counterparty's credit rating and other criteria. In addition the amount invested in building societies and Certificates of Deposit is also limited to 50% of the total investment portfolio.

100% of the Council's investments may be in Treasury Bills or Gilts or invested with the Government's Debt Management Office (DMO). Although these sums are very secure the rate of interest is usually lower than the market rate, however Treasury Bills are a valuable tool in providing security and liquidity whilst the DMO offers a variety of investment terms and is a valuable source of investment should credit ratings of other financial institutions result in a reduction in the number of counterparties that meet the Council's minimum credit rating criteria. There is no limit on the amount that can be invested with other local authorities in total, although there is a limit of £6 million with each individual local authority.

10.4 Country Limits

The Council has determined that it will only use approved counterparties from the UK and additionally those countries with a minimum sovereign credit rating of AA or equivalent from the relevant rating agencies.

In a similar way that individual counterparties have a maximum investment limit, countries other than the UK will also have a limit.

10.5 Investment Strategy

The Council's funds are managed in-house and are mainly cash flow based but there is a core balance that could be available for investment for longer periods (2-3 years). Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months) and in respect of commercial property investment, this will be limited to the amount included in the Capital Programme.

The bank rate fell to 0.10% in March 2020 and no increases are forecast for several years (see Section 7). The Council will avoid locking into longer term deals while investment rates are down at historically low levels unless exceptionally attractive rates are available which make longer term deals worthwhile without compromising the Council's priority of security of the investments.

For 2021/22 the Council has budgeted for investment returns based on the principles set out in this strategy including the forecast position on interest rates.

For its cash flow generated balances the Council will seek to utilise its business reserve accounts, *Money Market Funds* and short dated deposits (overnight to three months) in order to benefit from the compounding of interest. At the present time these short dated deposits are paying *very low rates*, but they provide a good level of liquidity to help manage the Council's cash flow.

10.6 Allocation of Investment returns between GF and HRA

As part of the introduction of HRA Self Financing a policy on the allocation of investments returns across the GF and HRA now forms part of the Annual Treasury Strategy.

The HRA holds balances and would benefit from cash flow advantages, which are amalgamated for the purposes of the overall investment activity of the Council. At the end of each year the transfer to the HRA of its share of the authority's overall investment returns will be agreed by the S151 Officer in consultation with the relevant officers based on the following principles:

- Equity
- Risk Sharing
- Minimising volatility between years

Returns from directly investing in commercial property will be allocated to the relevant fund where the Capital Programme / investment were made from.

10.7 End of year investment report

At the end of the financial year the Cabinet will receive a report on its investment activity.

GLOSSARY OF TERMS

Affordable borrowing limit – limit that the Council has to set under the CIPFA Prudential Code that shows how much the Council considers it can afford to borrow taking all its outgoings into consideration and how much income it considers it can generate.

Alternative financing arrangements – how the Council intends to finance its capital expenditure by other means besides borrowing.

Authorised limit – the amount the Council determines is the maximum that can be borrowed that is affordable and has been calculated in accordance with the legislation behind the CIPFA Prudential Code.

Borrowing requirement – how much the Council considers it needs to borrow to fund its spending plans.

CFR – Capital Financing Requirement – this calculation shows how much the Council needs to borrow or finance by some other measure to meet its planned capital spend.

Counterparty – the other party that participates when a loan or investment is placed.

CPI – Consumer Price Index – the Government's preferred measure of inflation, based on a set basket of goods and services. It excludes housing costs such as mortgage interest payments and council tax.

Credit arrangement – any quasi-loan, to ensure the legislation and Code pick up any unusual arrangements to provide funding other than from a straightforward loan

Credit default swap - A swap designed to transfer the credit exposure of fixed income products between parties. A credit default swap is also referred to as a credit derivative contract, where the purchaser of the swap makes payments up until the maturity date of a contract. Payments are made to the seller of the swap. In return, the seller agrees to pay off a third party debt if this party defaults on the loan. A CDS is considered insurance against non-payment. A buyer of a CDS might be speculating on the possibility that the third party will indeed default.

Credit limit – the maximum amount that can be lent to an individual organisation or group of organisations.

Credit rating – provided by one of the three credit rating agencies, an assessment of how likely the organisation is to repay any monies lent to it.

Creditworthiness - An assessment of the likelihood that a borrower will default on their debt obligations. It is based upon factors, such as their history of repayment and their credit score. Lending institutions also consider the availability of assets and extent of liabilities to determine the probability of default.

Debt cap (HRA) – the limit on the amount that can be borrowed by the HRA, set by central government.

Earmarked reserves – reserves that have been set aside for a specified purpose.

GDP – Gross Domestic Product – measures the output from the economy, if it rises then the economy is growing, if it falls the economy is in recession.

iTraxx - A group of international credit derivative indexes that are monitored by the International Index Company (IIC). The credit derivatives market that iTraxx provides allows parties to transfer the risk and return of underlying assets from one party to another without actually transferring the assets. iTraxx indexes cover credit derivatives markets in Europe, Asia and Australia.

Illiquid investment – An investment that cannot easily be sold or exchanged for cash without a substantial loss in value.

Non-specified investment – as defined in Annex 2.

Prudential indicators – a series of calculated figures specified in the CIPFA Prudential Code which are used to assess how affordable and realistic the Council's spending and financing plans are.

PWLB – Public Works Loans Board – central government lending to other public sector bodies, specifically local government.

PWLB Certainty Rate – The PWLB sets various rates for borrowing. From 1 November 2012 the Government reduced the interest rates on loans from PWLB to Councils who provide information as required on their planned long-term borrowing and capital spending by 0.20%. This reduced rate is called the Certainty Rate.

Replacement borrowing – borrowing taken out to replace other borrowing or other forms of credit that have been repaid.

RPI – Retail Price Index – another inflation index, this one includes the cost of housing.

Specified investments – as defined in Annex 2.

Proposed Prudential Indicators 2020/21 revised, 2021/22 and forecasts for 2022/23 to 2023/24

Indicators for Prudence

CAPITAL EXPENDITURE

This is an estimate of the amount of investment planned over the period. As can be seen, not all investment necessarily has an impact on the Council Tax, schemes funded by grants, capital receipts or external contributions mean that the effect on the Council Tax is greatly reduced.

Capital Expenditure - General Fund	2019/20	2020/21	2021/22	2022/23	2023/24
£000s	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	5,202	10,783	816	824	812
Financing - General Fund					
External contributions	(23)	(43)	-	-	-
Section 106	(7)	(109)	-	-	-
Coast protection grant	(1,670)	(439)	-	-	-
Other Government grants	(40)	(282)	-	-	-
Disabled Facilities Grant	(1,507)	(5,265)	(757)	(757)	(757)
Capital receipts	(28)	(825)	-	-	-
Direct revenue contributions	(341)	(57)	(55)	(55)	(55)
Earmarked reserves	(1,586)	(3,763)	(4)	(12)	-
Total Capital Financing	(5,202)	(10,783)	(816)	(824)	(812)
Net Financing need (External Borrowing)	0	0	0	0	0

Housing Revenue Account Capital Schemes	2019/20	2020/21	2021/22	2022/23	2023/24
£000	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	5,370	3,457	3,457	3,176	3,176
Financing - Housing Revenue Account					
Major repairs reserve	(3,652)	(3,176)	(3,176)	(3,176)	(3,176)
Direct revenue contributions	(1,197)	(281)	(281)	-	-
Section 106	(86)	-	-	-	-
Capital receipts	(368)	-	-	-	-
External contributions	(67)	-	-	-	-
Government grant	-	-	-	-	-
Total Capital Financing	(5,370)	(3,457)	(3,457)	(3,176)	(3,176)
Net Financing need (External Borrowing)	0	0	0	0	0

CAPITAL FINANCING REQUIREMENT

Each year, the Council finances the capital programme by a number of means, one of which could be borrowing. The Capital Financing Requirement (CFR) represents the cumulative amount of borrowing that has been incurred to pay for the Council's capital assets, less amounts that have been set aside for the repayment of debt over the years. The Council is only allowed to borrow long term to support its capital programme. It is not allowed to borrow long term to support its revenue budget.

CAPITAL FINANCING REQUIREMENT	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
General Fund	5,448	5,230	5,021	4,820	4,627
Housing Revenue Account	40,106	38,442	36,778	34,564	33,149
Total	45,554	43,672	41,799	39,384	37,776

GROSS DEBT AND THE CAPITAL FINANCING REQUIREMENT

This indicator compares the Capital Financing Requirement to the level of external debt and shows how much of the capital programme is financed from internal resources. The capital programme is partially funded in the short to medium term by internal resources when investment interest rates are significantly lower than long term borrowing rates. Net interest payments are, therefore, optimised.

PRUDENTIAL INDICATOR	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Capital Financing Requirement	45,554	43,672	41,799	39,384	37,776
External debt	40,313	38,592	36,921	34,699	33,277
Internal borrowing	5,241	5,080	4,878	4,685	4,499

OPERATIONAL BOUNDARY AND AUTHORISED LIMIT

The Council must set an operational boundary and authorised limit for external debt. The operational boundary is based on the Council's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. It reflects the decision on the amount of debt needed for the Capital Programme for the relevant year. It also takes account of other long term liabilities, which comprise finance leases, Private Finance Initiative and other liabilities that are not borrowing but form part of the Council's debt. The Council has none of these at present.

The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

PRUDENTIAL INDICATOR	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Operational boundary - borrowing	67,704	67,525	67,342	67,885	67,078
Authorised limit - borrowing	76,455	76,156	75,355	75,958	75,294

Indicators for Affordability

RATIO OF FINANCING COSTS TO NET REVENUE STREAM

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

ESTIMATE OF THE RATIO OF FINANCING COSTS TO NET REVENUE	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	-2.49	-0.40	0.94	0.58	0.10
Housing Revenue Account	57.54	47.09	47.29	47.78	40.86

INTEREST RATE EXPOSURE

Tendring District Council currently has all its borrowings at fixed rate and usually has a mixture of fixed and variable rate investments. This indicator is set to control the Council's exposure to interest rate risk.

PRUDENTIAL INDICATOR	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Upper limit for Fixed Interest Rates on debt	45,554	43,672	41,799	39,384	37,776
Upper limit for Variable Interest Rates on debt (based on 30% of the fixed rate limit)	13,666	13,102	12,540	11,815	11,333

TOTAL PRINCIPAL SUMS INVESTED FOR PERIODS LONGER THAN 364 DAYS (excluding property)

Interest rate risk is also affected by the proportion of the investments invested at fixed rates for longer periods, especially in a period when rates are expected to rise.

PRUDENTIAL INDICATOR	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Limits on the total principal sum invested to final maturities longer than 364 days	3,500	3,500	3,500	3,500	3,500

MATURITY STRUCTURE OF FIXED RATE BORROWING

This indicator is set to control the Council's exposure to refinancing risk. The limits are set for each age range to ensure that the Council avoids too many fixed rate loans being matured at one time and spreads the maturity across several periods. The percentages for the upper and lower limits do not add up to 100% as they do not represent an actual allocation.

PRUDENTIAL INDICATOR	Upper limit	Lower limit	Estimated outstanding debt maturity % at			
	%	%	31/03/21	31/03/22	31/03/23	31/03/24
	Under 12 months	25	0	4.33%	6.02%	4.10%
12 months and within 24 months	30	0	5.76%	3.85%	7.56%	7.28%
24 months and within 5 years	60	0	16.76%	20.22%	17.10%	13.83%
5 years and within 10 years	75	0	17.57%	14.76%	14.60%	14.07%
10 years and above	95	25				
10-20 years			15.76%	14.52%	13.41%	11.86%
20-30 years			0.95%	18.96%	25.94%	33.06%
>30 years			38.87%	21.67%	17.29%	12.02%

TREASURY INDICATOR - EXPOSURE TO CREDIT RISK

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) using the rating applicable when it is taken out and taking the arithmetic average, weighted by the size of each investment. Investments in government instruments such as DMO, treasury bills and in local authorities are scored as 1.

TREASURY INDICATOR	2019/20	2020/21	2021/22
	Actual	to28/2	Upper limit
Average credit score for investments	1.26	1.01	2.00

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SPECIFIED AND NON-SPECIFIED INVESTMENTS

This schedule sets out the specified and Non-Specified investments the Council may use in 2021/22.

Investments may be in the form of direct deposits, Certificates of Deposits (CDs), property (including property funds) or the purchase of financial instruments such as Treasury Bills, Bonds and Gilts.

SPECIFIED INVESTMENTS:

An investment is a Specified Investment if all of the following apply

1. The investment is denominated in sterling and any payments or repayments in respect of the investment are payable only in sterling
2. The investment is not a long term investment which is one that is due to be repaid within 12 months of the date on which the investment is made or one which the local authority may require to be repaid within that period.
3. The investment is not defined as capital expenditure by regulations
4. The investment is made with a body or in an investment scheme of high credit quality or the investment is made with the following public sector bodies.
 - a. UK Government
 - b. Local authority
 - c. Parish council or community council

Where an investment is being made with a UK nationalised or part nationalised bank this will be treated for the purposes of classification as a Specified or Non-specified investment as being invested with the UK Government.

High credit quality

For a counterparty to meet the high credit quality criteria for specified investments, that counterparty must meet as a minimum the ratings of the three credit rating agencies listed below, and not be the subject of any adverse indications from the following sources.

- Credit Default Swap index
- The quality financial press
- Market data
- Information on government support for banks and
- The credit ratings of that government support

Ratings	Fitch	Moody's	Standard & Poors
Short term	F1	P-1	A-1
Long term	A-	A3	A

NON SPECIFIED INVESTMENTS

A maximum of £3.5m may be held, in aggregate, in Non-Specified Investments

The only Non-Specified investments that the Council will use in 2021/22 are investments for periods of longer than 12 months with any institution or investment instrument that would have been classed as a Specified Investment if the investment had been for less than 12 months or property. The Council currently holds an investment property in Clacton. The historic cost of this property (including stamp duty) is £3.245 million, but this was revalued at 31 March 2020 at £2.155 million by the Council's external valuer and has now been revalued at 30 September 2020 at £1.985 million. The purchase of the property was financed from revenue resources.

COUNCIL

13 JULY 2021

REPORT OF THE MONITORING OFFICER

A.4 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns two decisions/omissions that the Local Government and Social Care Ombudsman has determined were maladministration.

On 20 May 2021, the Ombudsman determined a complaint submitted to it in relation to a planning application matter. The complaint concerned the use of a neighbouring property and approval of a planning application for that property. The complaint set out alleged impropriety in the process leading to approval of the application. The Ombudsman considered these and did not uphold them. The Ombudsman did though identify an issue with notifications to those abutting or adjoining the site that was subject to the planning application concerned. While those neighbours were correctly notified, a further two properties were recognised by the Council's Planning Officer as relevant and notification letters had not been sent to them. The conclusion of the Ombudsman was that these two properties should have been sent notification letters. As such the Ombudsman found maladministration; but with no injustice to the complainant. The Council agreed with the request from the Ombudsman for advice to be sent to Planning Department staff on this matter and its wider implications for applications. This advice has been circulated and the Ombudsman has accepted this concludes the matter. The Council intends, by following the advice circulated, to avoid a similar issue arising.

On 30 June 2021, the Ombudsman determined another complaint submitted to it in relation to a different planning application. The planning application was for prior approval for a change of use of a barn on land adjacent to the complainant's home and business. In this case the prior approval application was received and, a few days later, the relevant payment for it was received. However, due to a discrepancy in address detail given on the application form and with the payment, the link was not made between the two within the eight weeks permitted to determine such an application. Accordingly, the application was deemed approved as the eight weeks had passed since it had been received. This was the maladministration.

The failure in the processing of the prior approval application meant that the complainant was not notified of it and was denied the opportunity to make representations on it. This amounted to injustice. The Council had apologised for the error and had offered the sum of £100 in recognition of the error. The Ombudsman considered that the sum payable to the complainant should be £500 in this case. Arrangements for this sum to be paid are underway together with a further apology for the error. Internal procedures had already identified the potential issue of planning application fees not being linked to an application and these changes had been implemented. This was acknowledged by the Ombudsman

The Ombudsman's next Annual Review Letter, summarising complaints submitted to the Ombudsman in 2020/21 and the outcome of those complaints, is expected to be received later this month.

This item is submitted for **INFORMATION ONLY**.

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Questions pursuant to Council Procedure 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Ivan Henderson to Councillor Paul Honeywood, Portfolio Holder for Housing:

“Will the Portfolio Holder for Housing please advise Members how many TDC owned homes to rent have been built by Tendring District Council since this Conservative led administration took control of the Council in 2009?”

Question Two

From Councillor Jo Henderson to Councillor Paul Honeywood, Portfolio Holder for Housing:

“Please can the Portfolio Holder look to upgrading the CCTV at Dovercourt Lifestyles?”

With ongoing increased vandalism and anti-social behaviour in this area, it is important to have clear and efficient CCTV to present to the Police to help them deal with these crimes.”

Question Three

From Councillor Jo Henderson to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:

“It is almost four years since I met with the Portfolio Holder and officers to discuss the issues of dog fouling in Harwich and Dovercourt / Tendring. Ideas I put forward were not taken up by the Portfolio Holder at that time. Enforcement and progress has not happened within this department and complaints have increased.

I urge again, that our dog wardens be supplied with fold up bicycles, as this will help to enable them to patrol our seafronts in a more environmentally friendly and efficient way. The current driving in vans does not get any enforcement results on dog fouling and is not environmentally friendly. Does the Portfolio Holder agree with me that more enforcement is now needed, as his current soft approach has failed?”

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