

Tendring
District Council



TENDRING DISTRICT COUNCIL

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

6 September 2021

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 14 September 2021 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea.

Yours faithfully

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

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

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

DATE OF PUBLICATION: Monday, 6 September 2021

AGENDA

Prayers

1 **Apologies for Absence**

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

2 **Minutes of the Last Meeting of the Council (Pages 1 - 18)**

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 13 July 2021

3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 **Announcements by the Chairman of the Council**

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

5 **Announcements by the Chief Executive**

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

6 **Statements by the Leader of the Council**

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

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

7 **Statements by Members of the Cabinet**

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

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

8 **Petitions to Council**

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

9 **Questions Pursuant to Council Procedure Rule 10.1**

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

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

On this occasion there have been no questions submitted in accordance with Council Procedure Rule 10.1

10 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

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

11 Minutes of Committees (Pages 19 - 40)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 5 July 2021;
- (b) Human Resources & Council Tax Committee of Wednesday 7 July 2021; and
- (c) Audit Committee of Thursday 29 July 2021.

NOTES:

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

(2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

12 Motion to Council Pursuant to Council Procedure Rule 12 - Planning Applications and the Public's Right to Object (Pages 41 - 42)

In accordance with the provisions of Council Procedure Rule 12, the Council will consider a Motion to Council submitted by Councillor Chris Griffiths.

13 Motion to Council Pursuant to Council Procedure Rule 12 - ECC's Public Consultation on safer, greener, healthier travel from Jaywick Sands to Clacton-on-Sea (Pages 43 - 44)

In accordance with the provisions of Council Procedure Rule 12, the Council will consider a Motion to Council submitted by Councillor Maurice Alexander.

14 Recommendations from the Cabinet

The Council is asked to consider any recommendations submitted to it by the Cabinet.

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

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

16 Report of the Chief Executive - A.2 - Councillors' Non-Attendance at Meetings (Pages 45 - 46)

In accordance with Article 2.06 of the Council's Constitution to inform Council of the names of those Councillors who have exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

17 Report of the Chief Executive - A.3 - Changes in Membership of Committees (Pages 47 - 48)

To inform Council of any changes in the membership of Committees that have occurred since the last ordinary meeting of the Council.

18 Questions Pursuant to Council Procedure Rule 11.2

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

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

On this occasion three Questions have been submitted in accordance with Council Procedure Rule 11.2.

Question One

From Councillor Maria Fowler to **Councillor Alex Porter, Portfolio Holder for Leisure and Tourism:**

'Will the Portfolio Holder for Leisure and Tourism please advise members as to why the future of council's leisure centres has not been scrutinised by the relevant committee prior to any consultation or cabinet decision.'

Question Two

From Councillor Mick Barry to **Councillor Alex Porter, Portfolio Holder for Leisure and Tourism:**

'As we begin to emerge from the pandemic and look towards the road to recovery, the importance and profile of physical activity in improving the well-being of residents has never been greater.

Being physically active and participating in sports activities is one of the most effective ways to enrich the lives of the people of Tendring and the communities we live in.

Against this background it is a matter of great concern that the involvement of this council in the operation of Manningtree Sports Centre has ended and reviews of similar arrangements at Brightlingsea and Harwich sports centres are scheduled to take place in the next few months.

Will the portfolio holder for Leisure and Tourism confirm that joint user agreements currently in place at Brightlingsea and Harwich sports centres will be revised and updated and that leisure provision for residents in those communities will be safeguarded and enhanced?'

Question Three

From Councillor Graham Steady to **Councillor Alex Porter, Portfolio Holder for Leisure and Tourism:**

'The Council's head of Sport and Leisure attended a Resources and Services Overview and Scrutiny Committee meeting on 14th October 2019 and minutes from that meeting state (para30.)

'He advised the Committee that later in this Calendar Year there was intended to be consideration by Cabinet of a 10 year Strategy for Sports facilities in the District as provided by the council.'

He identified underpinning themes of the new Strategy as:

- (1) Securing the financial sustainability of the Council's leisure and sports facilities.*
- (2) Seeking to harness the work being undertaken with Sport England to break the cycle of inactivity and consequential health problems and design services that will align with the outcomes of the project.*
- (3) Adjusting the service offer and pricing policy to respond to the changing market in leisure facility provision nationally and attract more users.*

Can the Portfolio Holder for Leisure and Tourism update council on the position of the 10 year strategy and confirm that the underpinning themes will be paramount when considering the future of all leisure service provision in the district?'

19 Seating Plan for Full Council Meetings - Princes Theatre (Pages 49 - 50)

To enable Members to formally approve the seating plan for any future non-socially distanced meetings of the Full Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea.

20 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting

The next scheduled meeting of the Council is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Tuesday, 30 November 2021.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. The meeting will normally be live streamed and the link to this is available at www.tendringdc.gov.uk/livemeetings. Those attending the meeting may therefore be filmed. After the meeting the recording of the live stream will normally be available using the same link.

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**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 13TH JULY, 2021 AT 7.31 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bush, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, I Henderson, J Henderson, P Honeywood, S Honeywood, Knowles, Land, McWilliams, Miles, Morrison, Nash, Newton, Placey, Porter, Scott, Skeels, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

39. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Calver, Cawthron, G V Guglielmi, V E Guglielmi, King, Steady, G L Stephenson and M E Stephenson.

40. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was moved by Councillor Stock OBE, seconded by Councillor McWilliams and:-

RESOLVED that the minutes of the ordinary meeting of the Council held on 18 May 2021 be approved as a correct record and be signed by the Chairman.

41. DECLARATIONS OF INTEREST

There were none on this occasion.

42. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Bray) made the following announcements:-

Falklands War Memorial Service

The Chairman thanked all those who had been involved in arranging and attending the recent Falklands War Memorial Service at the Clacton War Memorial which had been hampered by being subject to the ongoing Covid-19 restrictions. He particularly thanked Councillor Amos for his help and support.

Commemorations and Public Support

The Chairman reminded Members that Clacton Town Hall had recently been “lit up” or had flags flown in order to commemorate and/or celebrate the following:-

- (i) NHS Anniversary;
- (ii) St John’s Ambulance;
- (iii) LGBT+ Pride Week;
- (iv) Euro 2020 – the England Football Team.

The Chairman congratulated the England Football Team on their performances in reaching the Euro 2020 Final where they had then unfortunately narrowly lost to Italy in a penalty shoot-out.

Fish & Chip Shop Challenge

The Chairman informed Members that he would be requesting them to nominate their favourite fish & chip shops (with the owner/manager’s permission). The Chairman and Vice-Chairman would then visit those premises in turn and try out their product. Those premises whose meals that they had enjoyed would receive a ‘certificate of recommendation’ from the Chairman and Vice-Chairman. The Chairman and Vice-Chairman would also choose an overall winner and that premises would receive the ‘Golden Fish Award’. The objective of this exercise, in addition to a bit of light-hearted fun was also to promote the businesses involved given the traditional link between the coast and fish & chip shops in Britain.

‘Santa-thon’

The Chairman announced that he would be organising a ‘Santa-thon’ at the end of this year which would involve a 5k fun run whose participants would run the course dressed as Santa Claus. His intention was to link this event to the ‘Santa Shopping Day’ event in Clacton Town Centre on Saturday 4 December 2021. Each entrant in the fun run would pay a small fee the proceeds of which would go to the Chairman’s Charity Fund (for CVS Tendring). Those taking part would also receive a free Santa suit and a commemorative medal upon completion of the Run.

43. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements made by the Chief Executive on this occasion.

44. STATEMENTS BY THE LEADER OF THE COUNCIL

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

Covid-19 Restrictions – Easing

The Leader referred to the imminent easing of Covid-19 restrictions on Monday 19 July 2021 and stated that, whilst it was not a complete and utter end and whilst everyone was fully aware of the rising rate of infections due to the Delta variant, this was nevertheless a cause for optimism (if a little muted). He requested that Members now showed leadership in their respective communities by helping to make sure that their local residents did not now act in an excessive manner.

Euro 2020 Football Tournament

The Leader paid tribute to the England football team who had so lifted the nation's spirits during this difficult time. He condemned utterly any criticism of the players' performance and especially those comments of a 'racist' nature that had been made on social media towards certain members of the squad. He knew that his fellow Group Leaders shared in that condemnation.

The Leader therefore requested that the Chairman of the Council write, on behalf of the whole Council, to the English FA to thank the England team for enthusing the nation and for its success in reaching the Final and also for being such great ambassadors for what it meant to be English in 2021.

Councillors I J Henderson, Allen and Scott, in their capacities as Group Leaders then endorsed, on behalf of their respective Groups the sentiments contained in Councillor Stock's statements.

45. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

"Colleagues, at our last meeting I said would report the responses from our Towns and Parishes to my invitation to them to inform Council, via Tim R. Clarke, our Climate Change officer, of any specific actions they may be taking or considering in their authority area.

I am told that so far replies have been received from Manningtree, St Osyth, Harwich, Little Clacton, Frinton & Walton, Bradfield and Ardleigh, and I thank those Councils for their replies, some of which are so expansive as to form the base for future action on my part. Since Councils meet at different times and arrange their business to suit themselves locally, there may be additional replies still in the pipeline.

To read out all that has been written would take too long but a precis of the responses would include:

- *the intention to try paperless agendas;*
- *to include consideration on each agenda of any Climate Change implications of decisions made;*
- *lending support to PACE's (Platform for Accelerating the Circular Economy) plastic free initiative;*
- *use of LED lights where they are a Town or Parish responsibility;*
- *looking for sites for potential electric car charging points.*
- *considering local tree planting;*
- *considering undertaking a climate change audit;*
- *appointing a specific Council Member tasked with working on ideas that can be implemented;*
- *looking closely at green energy suppliers for the Village Halls etc.;*
- *considering seriously Climate Change implications of planning applications, of which they are advised, and passing their view to our Planners; and*
- *the proposals from Manningtree, Mistley and Lawford who have agreed to set up a Joint Environmental Working Party!*

It is quite clear that our Towns and Parishes have got 'The Bit Between Their Teeth' on this issue and are looking at many diverse ways of moving towards an abatement of the worst effects of Climate Change.

Ian Taylor, Head of Public Realm, is currently exploring the installation of six EV Charging Points in the 'Starlings' development in Dovercourt, with the infrastructure in place for more Charging Points later if desired.

He informs me that we can get grant aid for this project, but this is only possible if we leave the car park accessible 24/7 and free of charges in the evening. There are matters to be addressed such as local concern over the car park being open all night, but we should try to satisfy these and not miss the chance and lose grant aid. Perhaps, I have suggested, by use of CCTV cameras."

Waste & Recycling Collection Service

Councillor Talbot then made a further statement as follows:-

"And now a statement on a completely different area of my portfolio that is the Waste and Recycling collection service we offer to all Tending properties.

A very major item on the agenda is the Government's consultation on Household and Business recycling in England which began on 7 May and finished on 4 July.

Jon Hamlet, Street Scene Manager sent me a significant brief on the Government's legislation in the Environment Bill for a core set of dry recyclable waste streams to be collected from ALL households and flats in England by end of the 2023/24 financial year. We will be obliged by law to collect the following Dry Recycling, separating different materials from each other:

- *Glass bottles and containers;*
- *Paper and card;*
- *Plastic bottles;*
- *Plastic pots, tubs and trays; and*
- *Steel and aluminium tins and cans.*

Do not breathe a sigh of relief yet colleagues, as Jonathan goes on to say that in addition to the above items, the Government also proposes, for later implementation, that the required recyclable waste streams will also include the following items:

- *Aluminium foil and food trays;*
- *Steel and aluminium aerosols;*
- *Aluminium tubes, e.g., tomato puree tubes;*
- *Metal jar and bottle lids;*
- *Food and drink cartons, including TetraPak's; and*
- *Plastic films, bread bags and carrier bags.*

It is also proposed that a Garden Waste service be introduced, – BUT this one is a free service.

All this means that, quite apart for the huge cost of what will be virtually a new Waste Contract with very substantial changes and consequent charges imposed on us, and all

authorities, we in Tendring will lose the income, building up each year, that arises from our successful Garden Waste paid for service.

Jon Hamlet estimates that this will cost an additional £1.2 million per year, but goes on to say it is expected to be met by Government funding and ongoing funding through 'deposit return scheme' revenue, but he personally questions how funding will be allocated, as each authority will have very differing cost pressures.

There is also a requirement for a universal food waste service. We do currently operate one, but there are in Tendring 12,000 households who do not receive such a service, so this must be catered and paid for.

On the horizon, with all English authorities needing materials, vehicles, and labour at roughly the same time up to end of 2024, there may well be shortages of all the wherewithal, to meet the new deadlines imposed upon us."

Councillor Talbot then responded to questions put to him by Councillors Baker, Scott and Bush.

Update on Leisure & Tourism Matters

The Leisure & Tourism Portfolio Holder (Councillor Porter) made a statement updating Members on the following leisure and tourism related matters:-

Harwich Sports Centre

Councillor Porter informed Council that Harwich Sports Centre which had been closed as a result of Covid-19 would be re-opening at 4.40 p.m. on Wednesday 14 July 2021.

Heritage Trail

Councillor Porter informed Council that the Heritage Trail would be formally opened by the Chairman of the Council on Friday 16 July 2021.

Clacton-on-Sea 150th Birthday

Councillor Porter reminded Members that Sunday 18 July 2021 would mark Clacton-on-Sea's 150th birthday. Several events to mark this important anniversary would be taking place on that day and later on 26th and 27th August 2021 there would be taking place the 'Clacton 150 Flypast'.

Clacton Seafront – New use for Recycling Boxes

Councillor Porter reported that, following a request from local residents, recycling boxes had been placed on Clacton Seafront so that people could leave their sand buckets and spades for other families to then make use of on the beach.

Councillor Porter then responded to questions put to him by Councillors Miles and Bush.

46. PETITIONS TO COUNCIL

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

47. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

One question had been received, on notice, from members of the public on this occasion.

Question

Pursuant to the provisions of Council Procedure Rule 10.7, the Chairman of the Council (Councillor Bray), on behalf of Zoe Tipple & Kayleigh Seal from Unsealed Eco Refill Store, The Grove, Clacton-on-Sea asked the Leader of the Council (Councillor Stock OBE):-

"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?"

Councillor Stock OBE replied to the question as follows:-

"May I say first that this question has been put on the Agenda tonight under Council Procedure rule 10.1, which is "Questions by the Public", and this question whilst in the name of two members of the public clearly comes from a business "Unsealed Eco Refill Store". I will answer the question, but I have to make it clear in doing so that it is not my intention to confer any business advantage or commercial endorsement on the questioners.

Thank you for your question and thank you for supporting what we are trying to achieve as a Council.

The Council continues to be committed to reducing its use of single-use plastic and I thank you for reminding me of what I said back in December 2019, that “we should cease use of single-use plastics across our business where it is possible to do so” and I went on to say that would mean no more plastic cups. But I do also think it is worth remembering that while many single-use plastics are bad news, and we can probably all do more to use less plastic, there are also many reasons why plastic can be good – even some single-use plastics. I think immediately of the eighty million and rising Covid jabs that have been given in the past few months to protect the population in this country alone. Every single dose was administered using a single-use plastic syringe, and what a fantastic thing that is!

Councillor Michael Talbot, our Cabinet member for Environment and Public Space, has taken on responsibility for climate change, and he has done so with a huge amount of vigour and a determination to ensure that we actually make a difference in how we act and what we do, rather than just paying lip service to the idea. I will be asking him to take this matter away for further consideration and discussion with our officers.

As he reported in his statement earlier the Government are intending to make major changes following their ‘Consultation on Household and Business recycling in England’, where all forms of plastic are being considered. In my view I think it more than possible that, in future, single use plastic may be severely restricted at source by controlling the current users.”

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

There was no such report of the Leader of the Council for Members to consider on this occasion.

49. MINUTES OF COMMITTEES

It was moved by Councillor Stock OBE and:-

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

- (a) Resources and Services Overview & Scrutiny of Monday 24 May 2021;
- (b) Audit of Thursday 27 May 2021;
- (c) Community Leadership Overview & Scrutiny of Monday 28 June; and
- (d) Planning Policy & Local Plan of Tuesday 29 June 2021.

With reference to Minute 5 of the meeting of the Community Leadership Overview & Scrutiny Committee held on 28 June 2021, Councillor I J Henderson stated that he was very pleased to see that the subject of the safeguarding and education position of children in the District who were missing out on mainstream education had been included in that Committee’s work programme for 2021/22. He hoped that the Committee would, in due course, invite the Chairman of the House of Commons’ Parliamentary Select Committee on Education, Robert Halfon MP for Harlow to attend

one of its meetings to give an update on the Government's actions (or lack thereof) to tackle this important problem in the community.

With reference to Minute 7 of the meeting of the Planning Policy & Local Plan Committee held on 29 June 2021, Councillor Davis asked the Chairman of that Committee (Councillor Turner) to clarify what came next regarding the ultimate adoption of the Council's Local Plan.

Councillor Turner replied as follows:-

"Thank you Councillor Davis for your question. It is appreciated. It gives me great pleasure to inform this Council that on Friday 16 July, with an end date of 31st August, we are publishing a series of modifications to the Local Plan for a final round of public consultation. This will be what is called a desk-bound consult, meaning that the documents will be published on the Council's website and any comments can be made online or by post.

As it states in our minutes we had our Public Inquiry at the end of February. We received the letter from the Inspector on 19th May suggesting various changes i.e. modifications. This was to make our plan sound and legally compliant. The details of these modifications were put before the Committee on 29 June and I am pleased to say that they were unanimously agreed together with a forward work plan. All Members can still make submissions to the Inspector during the six week consultation. We can only make comments on the modifications which will be forwarded to the Inspector for final consideration.

All being well we hope to receive that final letter of approval in the Autumn and be in a position to present a report to the Committee then a very few weeks later to the Full Council for ratification. With a fair wind and luck we can have all this done and dusted by the end of the year."

50. MOTION TO COUNCIL - GROUNDS MAINTENANCE SERVICE

Council had before it the following motion, notice of which had been given by Councillor Ivan Henderson pursuant to Council Procedure Rule 12:-

"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."

Councillor Henderson formally moved the motion, and Councillor Allen formally seconded the motion.

Councillor Henderson confirmed that he did not wish to exercise his right under Council Procedure Rule 12.4.2 to state his reasons why he felt that it would be appropriate for the motion to be dealt with at the meeting.

The Chairman (Councillor Bray) decided that the motion would be referred to the Cabinet as the appropriate body on the grounds that it clearly related to Executive functions which were the responsibility of the Cabinet and that it was important that Cabinet had an opportunity to comment on the motion prior to any debate on the motion at Full Council.

Councillor Henderson then explained the purpose of the Motion in accordance with the provisions of Council Procedure Rule 12.4.2.

Councillor Henderson's motion thereupon stood referred to the Cabinet for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

51. MOTION TO COUNCIL - COVID-19 MEMORIAL AND ANNUAL DAY OF REMEMBRANCE

Council had before it the following motion, notice of which had been given by Councillor Mark Stephenson pursuant to Council Procedure Rule 12:-

"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."

In the absence of Councillor Stephenson, and in accordance with the provisions of Council Procedure Rule 12.3, Councillor Bush formally moved the motion. Councillor Baker then formally seconded the motion.

Councillors Bush and Baker then gave their reasons why they felt that it would be appropriate for the motion to be dealt with at the meeting, namely that there would be a loss of impetus if it wasn't considered now and that in fact it would be timely to consider the motion now given the imminent lifting of Covid-19 restrictions on 19 July 2021 and that in the rush to return to a sense of 'normality' there would be a loss of remembrance of the impact of the coronavirus on society.

The Leader of the Council (Councillor Stock OBE), whilst not objecting to the principle of the Motion, nevertheless requested that the Motion be referred to an appropriate body on the grounds that it would be wrong to rush to a decision on this motion particularly given that the 'war on Covid' was not yet won and that Councillor Stephenson who had

submitted the motion was not present to explain the purpose of the motion and to advocate for it. He suggested that the motion be referred to an overview and scrutiny committee for an examination in detail as it was important to get this sensitive issue right.

The Chairman (Councillor Bray) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be referred to the Community Leadership Overview & Scrutiny Committee on the grounds that it was the appropriate body to examine the motion in detail and to report back to Council at a later date.

The motion thereupon stood referred to the Community Leadership Overview & Scrutiny Committee for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

52. RECOMMENDATIONS FROM THE CABINET

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

53. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - REFERENCE FROM THE COUNCIL'S TWO OVERVIEW AND SCRUTINY COMMITTEES - A.1 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2021/2022 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD 2019 TO 2021

Council's approval was sought for the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the remainder of the 2021/22 Municipal Year and Council was further requested to note the work undertaken by those Committees in the period 2019 to 2021.

Members were reminded that under the Overview and Scrutiny Procedure Rules, the Constitution stated, in relation to the Work Programme (Rule 7), that:

"Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Full Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis.

In preparing, co-ordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6 of the Constitution;*
- the planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council's Business Plan;*
- the need for statutory timetables to be met;*
- the wishes of all members of the committee;*
- requests from the Cabinet to carry out reviews; and*
- requests from Group Leaders in accordance with Rule 8."*

Members also recalled that the General Role and Functions of the Overview and Scrutiny Committees (as set out in Article 6.01 of the Council's Constitution) were to:-

1. *Review or scrutinise executive decisions made by the Cabinet (including those delegated to Portfolio Holders and Officers) or are due to be made by the Cabinet or a Portfolio Holder including performance in relation to individual decisions over a period of time;*
2. *Act as a consultee on policy development and review of policies;*
3. *Submit to Full Council for approval an annual overview and scrutiny work programme;*
4. *Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.*
5. *Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;*
6. *Deal with any call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers (key decisions only)) in accordance with the Overview & Scrutiny Procedure Rules; and*
7. *Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council Procedure Rules.*

In undertaking the General Role the following principles applied:-

- (i) *The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;*
- (ii) *Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and*
- (iii) *Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.*

Under Article 6.02(ii) of the Constitution the Resources and Services Scrutiny Committee was required to - *"perform the role of overview and scrutiny and its functions in relation to the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:*

- *Financial Forecast and Budget setting and monitoring (including the General Fund and the Housing Revenue Account)*
- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)*
- *Procurement and Contract Management*
- *Transformation and Digital Strategies*
- *Customer Service and Standards"*

Under Article 6.02(i) the Community Leadership Overview and Scrutiny Committee was required to - *"perform the role of overview and scrutiny and its functions in relation to:*

-
- *Community Leadership - developing the external focus of overview and scrutiny on 'district-wide issues' (and where appropriate sub-regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.*
 - *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
 - *Community Safety*
 - *Health and Well-being*
 - *Economy, Skills and Educational Attainment*
 - *Community engagement, development and empowerment*
 - *Leisure and Tourism (except matters relating to budgets)*
 - *Housing Strategy and Homeless Service (except the Housing Revenue Account)*
 - *Emergency Planning”*

Meetings of task and finish groups could also be called as required following the terms of reference being agreed by the relevant Committee.

It was reported that, in addition, and on 21 March 2021, Council had approved and incorporated into the Constitution, a Cabinet and Overview and Scrutiny Protocol which included the following in respect of work programming by the two Overview and Scrutiny Committees:

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

Council was informed that the overview and scrutiny committees had each formally reviewed the work carried out during 2019-2021 and considered items for inclusion in their respective proposed work programmes for 2021/2021 as follows:

Community Leadership Overview and Scrutiny Committee – 28 June 2021; and
Resources and Services Overview and Scrutiny Committee – 5 July 2021.

Council was made aware that this formal approval had followed informal meetings of the Members of the Committees to explore issues and matters that could be included in the work programmes. The Chairmen of the two Committees had then met to consider all

proposals and to confirm the allocation of subjects between the two Committees, based on their respective terms of reference, and to consider areas of joint working to avoid overlaps of work (if they were to be completed separately). The resulting draft work programmes had then provided to the Leader of the Council and his colleagues on the Cabinet and to the Chief Executive for senior staff to contribute comments. From that process, revised draft work programmes with suggestions for joint panels and dates of enquiries had then been submitted to the formal meetings identified above of the two Overview and Scrutiny Committees.

A copy of the proposed work programmes for the overview and scrutiny committees and a summary of the main issues addressed by the overview and scrutiny committees during the period 2019-2021 were attached as Appendices A and B respectively to the reference report for Council's consideration.

It was moved by Councillor Chittock and:-

RESOLVED that Council –

- (a) approves the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the remainder of the 2021/22 Municipal Year, as set out in Appendix A; and
- (b) notes the work carried out by those Committees in the period 2019-2021, as set out in Appendix B.

54. REPORT OF THE CHIEF EXECUTIVE - A.2 - CHANGES IN MEMBERSHIP OF COMMITTEES

Further to Minute 33 of the meeting of the Council held on 18 May 2021, the Chief Executive formally reported 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 had been carried out. The results of that review were that the Conservative Group and the Tendring First Group had each had to lose one seat and the Tendring Independents Group had 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 the Chief Executive, the following appointments had been duly made since the last ordinary meeting of the Council, namely:-

Human Resources & Council Tax Committee

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

Planning Committee

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

Council noted the foregoing.

55. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - ANNUAL CAPITAL AND TREASURY STRATEGY 2021/22 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)**

The Council had before it the recommendation submitted to it by the Cabinet in respect of the proposed approval of the Annual Capital and Treasury Strategy for 2021/2022 [Minute 27 of the Cabinet meeting held on 25 June 2021 referred].

It was moved by Councillor Stock OBE and:-

RESOLVED that the Annual Capital and Treasury Strategy for 2021/2022 (including Prudential and Treasury Indicators), be approved and implemented.

56. **REPORT OF THE MONITORING OFFICER - A.4 - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

Members were aware that the Council's Constitution (Article 12.03(a)) required the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission had given rise to maladministration. This report concerned two decisions/omissions that the Local Government and Social Care Ombudsman had determined were maladministration.

It was reported that, on 20 May 2021, the Ombudsman had determined a complaint submitted to it in relation to a planning application matter. The complaint had concerned the use of a neighbouring property and the approval of a planning application for that property. The complaint had set out alleged impropriety in the process leading to approval of the application. The Ombudsman had considered those allegations and had not upheld them. The Ombudsman had however identified an issue with Council notifications to those properties abutting or adjoining the site that had been subject to the planning application concerned. Whilst those neighbours had been correctly notified, a further two properties that had been recognised by the Council's Planning Officer as relevant had not had notification letters sent to them. The conclusion of the Ombudsman was that those two properties should have been sent notification letters. As such the Ombudsman had found maladministration on the Council's part; but that there had been no injustice to the complainant. The Council had 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 had been circulated and the Ombudsman had accepted that this had concluded the matter. The Council intended, by following the advice circulated, to avoid a similar issue arising.

It was further reported that, on 30 June 2021, the Ombudsman had determined another complaint submitted to it in relation to a different planning application. This planning application had been 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 had been received and, a few days later, the relevant payment for it had been received. However, due to a discrepancy in address details given on the application form and with the payment, the link had not been made between the two within the eight weeks permitted to determine such an application. Accordingly, the application had been deemed approved once the eight weeks had passed since it had been received. This was maladministration on the Council's part.

The failure in the processing of the prior approval application meant that the complainant had not been notified of it and therefore had been denied the opportunity to make representations on it. This had amounted to injustice. The Council had apologised for its error and had offered the sum of £100 in recognition of the error. The Ombudsman had considered that the sum payable to the complainant should be £500 in this case. Arrangements for this sum to be paid were 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 those changes had been implemented. This in turn had been acknowledged by the Ombudsman.

Council was made aware that the Ombudsman's next Annual Review Letter, summarising complaints submitted to the Ombudsman in 2020/21 and the outcome of those complaints, was expected to be received later on during July 2021.

Council noted the foregoing.

57. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

Three questions had been submitted by Members on this occasion as set out below:-

Question One

Councillor I J Henderson asked the Portfolio Holder for Housing (Councillor P B Honeywood):-

"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?"

Councillor Honeywood replied as follows:-

"Thank you for your question. I can advise you that the Council has built nine properties – five in Jaywick Sands, two in Brightlingsea and two in Bradfield. The Council has also created a new flat in Dovercourt in what used to be a garage space below Churchill Court. An explosion damaged property on Cloes Lane in Clacton has also been purchased by the Council and rebuilt. This brings the total to eleven properties."

Councillor Henderson then asked a question of clarification to which Councillor Honeywood responded.

Question Two

Councillor J Henderson asked the Portfolio Holder for Housing (Councillor P B Honeywood):-

"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.”

Councillor Honeywood replied as follows:-

“Thank you Councillor Henderson for your question. The Council is planning to review all of its CCTV provision, including that of our Sports Facilities as a requirement of recently adopting our CCTV Code of Practice. This will be an opportunity to review the number of cameras at Dovercourt Bay Lifestyles, within the context of our adopted standards. This will take place later in the year and, following this, a series of recommendations will be brought forward for consideration. I will be in a position to update you further at that point.”

Question Three

Councillor J Henderson asked the Portfolio Holder for Environment & Public Space (Councillor Talbot):-

“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?”

Councillor Talbot replied as follows:-

“Thank you for your question Councillor Jo Henderson and as you rightly say I organised a meeting for you at Weeley on the afternoon of 8th September 2017, following a series of reports from you that the ‘Dog Poo’ problem in Dovercourt was out of control and not receiving either a clean-up or the prosecution of offenders. The meeting had the Head of Service, accompanied by Darren O’Neil and one of our two Dog Wardens.

You spoke then about high visibility jackets and a suggestion of having fold up bikes for the patrol to use. We spoke about notices, and I suggested using stencils on the sea wall and pathways. A good meeting with no answers but lots of suggestion, but with a warning from the Head of Service that there was no pool of money waiting to be spent on this.

I was conscious at that meeting that Dovercourt Councillors had consistently complained that many of their residents do not pick-up their Dog waste, and long standing Members may remember special attention given to this by Council, highlighted on Tuesday 29th June 2004 when we gave a number of radio interviews reporting the relative success of some unique dog mess signs in Dovercourt, whereas the owners took no notice of signs encouraging them to pick-up after their pets these signs, written underneath the request to Dog Owners to pick-up their waste, was apparently addressed to their dogs. The footnote said, “For Dogs” GRRR; BARK; WOOF WOOF –

good dog! These unique signs were the brainchild of Bill Smith, our officer at the time, and had been reported in the National Press, giving rise to a lot of publicity.

I report these background notes so that newer Members realise that Dovercourt Dog Poo is not a new issue!

One of the first things to mention is of course that people need to take personal responsibility for their dogs and their waste. I think that must be the primary message that we as the District Council as well as local Members and Town, Parish and the District Councils need to be spreading, rather than criticising. My Cabinet colleagues and I would much rather that dogs were cared for and controlled, and that waste was cleared up without a single enforcement action.

I thank Councillor Henderson again for her suggestion, but as four years ago, after examination by the team, I'm afraid that portable bicycles are not found to be of practical use for dog wardens, whose primary role as a dog warden is the collection and transportation of stray dogs and although the vans themselves may look large from the outside the storage space inside is very limited and is for equipment such as, graspers, shields, sprays, and other items that are kept securely in the van and would not be able to be carried whilst riding a bicycle. When our dog warden conducts a foot patrols, they will carry very limited equipment and will never venture to far from the van.

Having said that, for example, let us just say a dog warden parks his van in West End Lane car park and sets off on patrol on a bicycle and as he/she arrives in old town Harwich they discover a stray dog. The warden would then need to transport that dog back along the prom whilst carrying a foldable bicycle too. I think you will already guess that I do not support the suggestion that Dog Wardens be supplied with bikes!

Our wardens travel in marked vehicles, and I feel that visible presence would be lost if the wardens were riding bicycles. The dog wardens have to cover a very large area throughout Tendring and work to the corporate enforcement principles of the 4 E's (Engage, Explain, Educate and Enforce).

In the coming months 8 new seaside ambassadors will be on patrol in the high-profile areas of Tendring which will include beach areas and they will have the power to issue an FPN for dog fouling if the Engage, Explain and Educate phases are not heeded.

Again, thank you to Councillor Henderson for suggesting ideas. I think that we are in the process of deploying alternative enforcement options. I hope that you will join me in supporting the ambassadors and in appealing to dog owners to behave responsibly so that enforcement is not needed, but if citizens continue to offend, then YES Councillor Henderson, I do agree with you that more enforcement is now needed, and as it happens it has been the subject of some recent internal discussion."

Councillor Henderson then asked a question of clarification to which Councillor Talbot responded.

58. URGENT MATTERS FOR DEBATE

There were no urgent matters for Council to debate on this occasion.

The Meeting was declared closed at 8.53 pm

Chairman

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 5TH JULY, 2021 AT 7.30 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Allen, Barry, Codling, Griffiths, Harris and Wiggins
Also Present:	Councillor P Honeywood (Portfolio Holder for Housing)
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were also submitted on behalf of Councillor Land (with no substitution), Morrison (with no substitution) and Scott (with Councillor Wiggins substituting)

11. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 24 May 2021 be approved as a correct record.

12. DECLARATIONS OF INTEREST

Councillor Harris declared a personal interest in item 5, "Use of section 106 Monies" (Minute 14 below refers) , as he was a Member of the Council's Planning Committee and, as such, was directly involved in decisions by that Committee relating to the secured of agreements under Section 106 of the Town and Country Planning Act 1990 ('section 106 monies').

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

14. REPORT OF THE DEPUTY LEADER/PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE. - A.1 - USE OF SECTION 106 MONIES (TO FOLLOW)

It was reported to Members that Section 106 (S106) Agreements were legal agreements under section 106 of the Town and Country Planning Act 1990 between Local Authorities and developers; linked to planning permissions and could also be known as planning obligations. Section 106 agreements were drafted when it was considered that a development would have significant impact on the local area that could not be moderated by means of conditions attached to a planning decision.

By way of example, the Committee was advised that a new residential development could place extra pressure on the social, physical and economic infrastructure which already existed in a certain area. A planning obligation would aim to balance the pressure created by the new development with improvements to the surrounding area ensuring that where possible the development would make a positive contribution to the local area and community. The agreement could provide for a financial contribution (often referred to as an off-site contribution or commuted sum) to be made or a particular scheme or improvement could be undertaken by the site developer.

The Committee heard that the S.106 would vary depending on the nature of the development and based on the needs of the District. The most common obligations included:-

- Public Open Space
- Affordable Housing
- Education
- Highways
- Town Centre Improvements
- Health

The Committee also heard that the quarterly report was published on the Council's website to show how and where contributions had been spent and the Infrastructure Funding Statement showed in more detail the funds received and allocated to projects across the District. The statement provided a summary of financial contributions the Council had secured through Section 106 agreements from new developments for off-site open space, affordable housing and regeneration work along with highway works completed as part of new developments through agreements under section 278 of the Highways Act 1980 ('Section 278 agreements').

In summary, the report provided:

- an overview of what S106 and S278 agreements were
- the Council's internal process relating to S106 contributions
- the s106 contributions paid to the Council in the current year
- s106 contributions and s278 works committed for future years
- projects delivered in the District via S106 and S278 agreements in the current year

It was reported to the Committee that the Council's Planning Service maintained a register of S106 agreements and obligations. A schedule of sums was available, the intended purpose and location was maintained and updated within the service by a specific officer. The schedule was periodically discussed with managers with particular regard to any sums that may have been available for a limited remaining period. Service managers for the intended purpose of the sums were responsible for identifying potential schemes. Allocations and spend were tracked and reports through the Council's financial reporting systems and high level budget monitoring.

It was also reported that Affordable Housing sums were generally spent on housing acquisitions and could be used in combination with capital receipts from Right to Buy Sales and other capital funding within the Housing Revenue Account. Purchases were considered with reference to the Housing Acquisition & Development Policy and

ensured they meet the criteria the Council had adopted. Each proposed acquisition was then subject to discussion between finance and housing officers and a final decision on what funding was used was made either in the Cabinet report or portfolio holder decision that was taken to make the purchase. In 2020/21 £261,000 was spent from S106 funding on housing acquisitions.

Members heard how the sums allocated for public space were identified for use by the Head of Public Realm and often that was set out in the S106 agreement itself. The Head of Public Realm engages with Town and Parish councils and Ward Members as required to ensure provision met local need. The intention was to use funds to meet local needs and improve public realm in line with corporate priorities. In addition to the governance of the planning service aimed at using funds for the intended purposes in intended locations the Council's normal decision making processes applied to schemes including development of land and expenditure of sums.

A recent example of a completed scheme was a new play area created off Halstead Road Kirby Cross. S106 monies were used to create a significant new equipped play area for local use. An example of a project in development was an upgrading of the flood memorial at Harwich. The scheme was initiated by local members and potentially, subject to approvals, included a repositioning of the memorial itself, new paving, lighting and Mural.

During the discussion on this item, there were several Members who could not recollect being consulted on individual proposals for use of S106 funds in the Wards they respectively represented. It was also commented upon that, while the reporting on the use of S106 funds in parished areas of the District gave quite a good localised set of data, reporting for the unparished area of the District was solely categorised as 'Clacton' and therefore of limited value to Councillors and the public. The discussion further highlighted that there were unaccounted sums in the current reporting on the Council's website in respect of S106 monies. The Council's Assistant Director for Finance and IT indicated that this appeared to him to relate to committed funds not being shown.

After an informative discussions the Committee **RECOMMENDED TO CABINET** that:

1. To the extent that it is not happening at present, details of the proposed schemes using S106 funds in a particular ward be advised as a routine to the local Ward Councillor(s) and consideration be given to the views expressed by the Ward Councillor(s) on the proposed scheme before and decisions are taken to implement the scheme.
2. That, for those parts of the District that are parished, the relevant Town or Parish Council be advised about S106 funds that had been secured and whether they could bid for schemes to be funded or identify schemes for officers to consider.
3. That, for those parts of the District that are un-parished, the locality descriptor should be the relevant District Ward rather than 'Clacton' so as to improve the understanding of the figures shown for that area.

4. That an annual statement be made on the amounts of monies received in S106 funds, the total sum held by the Council in S106 funds and the sums spent on schemes in that year against the common obligations of:
 - Public open space
 - Affordable Housing
 - Education
 - Highways
 - Town centre Improvements
 - Health
5. To note the commitment if the Council's Assistant Director for Finance and IT that the S106 spreadsheet publicly available on the Council's website would be amended to include commitments so that the sums shown are clear and complete.

15. REPORT OF THE PORTFOLIO HOLDER FOR HOUSING. - A.2 - AN UPDATE ON VOIDS (TO FOLLOW)

The Portfolio Holder for Housing, Councillor Paul Honeywood, attended the meeting and addressed the Committee; responding to questions on the items referenced here. The Assistant Director for Housing and Environment was also present and addressed the Committee on the matters here.

The term 'Voids' relates to untenanted Council Homes and most commonly occurred between one tenant leaving the property and a new tenant moving in. Void works was therefore the required refurbishment etc works before the new tenant moved into the property after the previous tenant had left.

Implementation of the New Maintenance Contract

The Committee received a report in relation to the new responsive repairs term contract and how the appointed contractor had commenced responsibility for void works on 05 April 2021. Officers considered that was appropriate to make allowance during the initial stages of the contract and some initial performance issues had been discussed with the contractor.

It was reported to the Committee that the initial set up period of the contract had ended in July 2021 and liquidated damages provisions in the contract would start to take effect from that point. The damages level was set to allow for lost rent and increased administrative and other costs but would apply only to the period during which the contractor had control of the properties. The time allowed for works within the contract was related to the extent of works required with a series of thresholds providing different timescales for different levels of work.

Once contract arrangements became fully established it was hoped that all properties would be returned within timescale or any delay offset, financially, by the liquidated damages provisions.

The detail of the contract provisions, including the liquidated damaged provisions relating to the contractor, could be provided to the Committee if that was requested.

Points raised following the All Member Briefing in April 2021

1. *“Expected inspection rate of a TDC property and what was the actual inspection rate”?*

Members heard how the repairs and estates services for individual properties operated on an essentially responsive basis. Regular visits to dwellings did take place in the form of annual gas servicing and safety visits, electrical and detector testing and servicing and, away from those visits, the teams respond to concerns raised by tenants. Some Committee Members asked about the potential for reports to the Council from its gas/electrical service checks as to concerns about maintenance of the properties inspected. The Assistant Director for Housing and Environment indicated that such reports could be actioned.

The potential for additional inspections had been considered both in response to the voids condition question but also in relation to potential disrepair claims. That would however introduce additional costs that have to be assessed against the likely benefits achieved.

In response to a line of questioning, the assistant Director for Housing and Environment reported that some initial consideration had been given to a full stock condition survey of the Council’s residential properties which could be outsourced for a relatively speedy survey or brought in-house with additional resource to the existing team and conducted over a longer period of time. The Portfolio Holder indicated that if such stock condition surveys identified additional works were needed the Council would need to address the funding of those additional works. Such a survey could assist the Council with its Net Carbon Neutral Climate Change pledge. Further consideration of this concept would need to be given.

2. *“What percentage of returned properties are left empty, clean and requiring no repairs caused by resident damage”?*

The Committee was advised that it was very rare for properties to be returned clean, empty and free from defect. In 2020/1 the Void maintenance costs built up was:

£0-£500	5 Properties
£500-£1000	8 Properties
£1000-£5000	73 Properties
£5-0000- £10,000	54 Properties
£10,000- £20,000	19 properties
Over £20,000	1 Property

The average cost of voids on void properties was not available at the meeting.

A Councillor referenced that, using the above figures, the cost of maintenance for the ‘worst’ 20 properties was likely to be between £210,000 and £400,000. Members of the Committee considered that some mechanism for achieving reports on those properties, and recovering those costs from the former tenants, would therefore help reduce that financial penalty going forward.

3. *“Annual cost of clearing / cleaning / repairing properties left in a poor state by residents, and how much of this money is reclaimed annually”?*

1. The total cost of clearing properties was £177,000
2. The total cost of all void works was £937,082
3. No cost was reclaimed from any former tenant in 2020/21

The Committee was advised that a revised tenant recharge policy had been agreed earlier that year that set out the circumstances in which attempts would be made to recover costs from former tenants. However, to date no recharges under the policy had been made to former tenants.

Void Duration

The assistant Director for Housing and Environment reported that there were, at the date of the meeting 179 void Council dwellings; 130 were general stock dwellings and the remaining 49 were in the sheltered housing stock. Of those 61 were ready to be re-let to new tenants. The average time dwellings were void was not reported to the Committee.

It was reported to the Committee that 2020/21 saw an increase in the length of time properties remained vacant. Largely that was attributable, it was said, to the COVID-19 pandemic and restrictions placed on the letting of properties and the ability and desire from people to move home. However, the Committee was advised that the Council's void rate had increased prior to the pandemic. It was said that other stock retained councils had reported a rise in void properties during 2020.

The requirement to work from home had an impact of the Allocations Team and there was no doubt in the minds of officers that the process of letting properties became more challenging and time consuming over the last 12 months or so.

It was also reported to the Committee that Void maintenance works were slowed during the pandemic to some degree in the general housing stock and paused altogether (save for safety work) in the sheltered units. Rental income lost as a result of void properties for the 2020/21 financial year would be published within the financial performance report in September 2021.

Members heard that in February 2021 an officer working group was set up to address the increase in void times and consequent financial loss. A new monitoring system had been introduced that allowed the allocations and building services teams to share data and track progress with individual properties. Previously that data had been held separately. Some operational processes had also been streamlined.

At the time of writing the report, the end of the first quarter of the financial year 2021/22 had not been reached although officers were optimistic that the void rental loss would show improvement that would continue throughout the year.

The Committee was advised that the month of July 2021 had seen a significant focus on letting the properties that were available and developing a strategy for letting vacant sheltered flats and lower demand properties. Additionally, new housing allocations software would be introduced that would improve the process of managing the housing

register and allocating vacant properties. Implementation of that system had been delayed due to technical difficulties identified during testing.

Achievement of a 2% void rate

Previously a 2 – 3% void rate was achieved and on that basis officers believe it is possible to return to that level, especially in respect of general stock housing. Due to the age and nature of some of our sheltered housing schemes it may be more difficult to achieve a lower rate without more drastic action.

Comparisons of void rates with other stock retained Councils were not presented to the Committee as officers considered that these could be misleading. Nonetheless, achieving a return to this Council's 2% figure appeared possible in light of the rates reported by others.

After an in-depth discussion on the matter there was unanimous **RESOLUTION** to continue the enquiry of this matter through organised but informal remote meetings of the Committee's Members and appropriate officers/the Portfolio Holder, as there were a number of items that it had not been possible to conclude at this formal meeting as identified above. The outcome of the informal remote meetings would be presented to the next/a future meeting of the Committee.

16. 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.

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

The Committee had before it the Overview and Scrutiny Committees Report for the years 2019-21. The Members thanked the Keith Simmons, the Head of Democratic Services and Elections, for the report, asked that their thanks be conveyed to those other officers involved in its production. It was **RESOLVED** to approve the Annual Report as submitted and to invite Council to receive the report.

The Committee also had before it the Work Programme for the Committee for 2021/22.

After a short discussion it was **RESOLVED TO RECOMMEND COUNCIL** that, with the following change, the Work Programme for 2021/22 be approved:

- the Disabled Facilities Grant item be taken off agenda for the 20 September 2021 meeting, but be left on to work programme to be programmed at a future date.

The meeting was declared closed at 9.52 pm

Chairman

Public Document Pack

Human Resources and Council Tax
Committee

7 July 2021

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON WEDNESDAY, 7TH JULY, 2021 AT 7.30 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Amos, Baker, Chittock, S Honeywood, Morrison, M Stephenson.
Also Present:	Councillor Paul Honeywood
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Ian Taylor (Head of Public Realm), Carol Magnus (Organisational Development Manager), William Lodge (Communications Manager), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received by Councillor Calver and Katie Wilkins (HR and Business Manager), with no substitutions.

53. MINUTES OF THE LAST MEETING

It was moved by Councillor Stephenson, seconded by Councillor Griffiths and **RESOLVED** that the minutes of the last meeting of the Committee, held on Thursday 25 February 2021 be approved as a correct record.

54. DECLARATIONS OF INTEREST

Councillor Griffiths declared for the public record that he was a member of the GMB union but had no involvement with Tendring District Council in that capacity.

Councillor S Honeywood declared for the public record that a member of her family was an employee of Tendring District Council. She was not pre-determined and therefore, participated in the Committee's decisions.

55. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted on this occasion.

56. VERBAL UPDATE - TRANSFORMATION AND HYBRID WORKING

The Committee received from Carol Magnus, Organisational Development Manager an oral update on the Council's Transformation and Hybrid Working.

No questions were raised by Members of the Committee on the above update.

Following a discussion, it was **RESOLVED** that the update be noted.

57. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - SOCIAL MEDIA POLICY**

Will Lodge, Communications Manager, presented the Social Media Policy to the Committee.

No questions were raised by Members of the Committee on the above Policy.

Following a discussion, it was proposed by Councillor Griffiths, and seconded by Councillor S Honeywood, and **RESOLVED**:-

- a) that the Human Resources and Council Tax Committee formally approves and adopts the revised Officer' Social Media Policy; and
- b) that the Assistant Director (Partnerships) be authorised to update the policy with any future legislative or best practice changes, in consultation with the Council's Communications Manager (and others as outlined within the policy).

58. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - WORKFORCE UPDATE REPORT**

Anastasia Simpson, the Assistant Director (Partnerships) informed the Committee of the current staffing figures in relation to the following:

- Career Track Programme
- Age Profile
- Disability Profile
- Ethnicity Profile
- Sickness Absence

There were no questions raised by Member of the Committee on the above report.

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

59. **REPORT OF ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM) - A.3 - ADOPTION OF FLEET MANAGEMENT AND DRIVING FOR WORK POLICY**

Ian Taylor, Head of Public Realm, presented the 'Adoption of Fleet Management and Driving for Work Policy' to the Committee.

Members raised questions on the above which were responded to by Officers.

Following a discussion, it was proposed by Councillor Griffiths, seconded by Councillor Baker, and **RESOLVED** that the policy be deferred and brought back to the Committee subject to a number of alterations.

Members of the Committee with suggested alterations (Cllrs Baker, Stephenson and Griffiths) agreed to send their comments to Ian Taylor, Head of Public Realm.

60. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.4 - RENEWAL OF THE NEW DISABILITY CONFIDENT LEADER STATUS**

Carol Magnus (Organisational Development Manager) informed the Committee of the successful renewal of the 'Disability Confident Leader Status' for a further 3 years.

Members raised questions on the above which were responded to by Officers.

Following a discussion, it was proposed by Councillor Morrison, seconded by Councillor Stephenson, and **RESOLVED** subject to the below recommendation:-

- that the Chairman of the Committee writes to officers involved to commend them for their involvement and efforts.

61. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.5 - DISCRETIONARY MARKET FORCES POLICY REVIEW

Carol Magnus (Organisational Development Manager) presented the revised 'Discretionary Market Forces Policy' to the Committee.

No questions were raised by Members of the Committee on the above Policy Review.

Following a discussion, it was proposed by Councillor Amos, seconded by Councillor Stephenson, and **RESOLVED**:-

- that the Committee approves the content of the revised Discretionary Market Forces Policy.

62. DATE OF NEXT SCHEDULED MEETING OF THE COMMITTEE

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Wednesday, 20 October 2021.

The meeting was declared closed at 8.39 pm

Chairman

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 29TH JULY, 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, Miles (except items 8 to 11), Placey and Steady
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)), Keith Durran (Committee Services Officer) and Matthew Cattermole (Communications Assistant)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

9. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 27 May 2021 were approved as a correct record.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

11. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

12. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT

The Committee had before it a report submitted by the Council's Internal Audit Manager (A.1) which provided a periodic update on the Internal Audit function for the period April 2021 to July 2021 and the annual report of the Internal Audit Manager. That report was split into three sections as follows:-

1) *Internal Audit Plan Progress 2020/21*

- The 2020/21 Internal Audit Plan had been completed with sufficient work undertaken in order for the Internal Audit Manager to provide an opinion in the Annual Head of Internal Audit Report.
- All audits within the Internal Audit Plan had been completed with only two receiving an overall audit opinion of 'Improvement Required'. All other audits within the plan had received a satisfactory level of assurance.

2) *Annual Report of Internal Audit Manager*

- The Annual Report of the Internal Audit Manager had concluded that an unqualified opinion of Adequate Assurance was justified.

- Work carried out throughout the year by the Audit Committee, Senior Management and the Internal Audit Team had been in line with guidance provided by CIPFA on the 'Head of Internal Audit Opinion due to the impact of COVID-19' released in November 2020.

3) Internal Audit Plan Progress 2021/22

- Two audits had been completed with both audits receiving a Substantial Assurance opinion.
- A further four audits were in fieldwork with another two audits allocated.

INTERNAL AUDIT PLAN PROGRESS 2020/21

The Committee heard how the 2020/21 Internal Audit Plan had been completed with the exception of two audits being deferred to the 2021/22 Internal Audit Plan and replaced with three audits that had been identified due to the emerging risks from the COVID-19 pandemic. The Audit Committee had agreed those changes to the audit plan in October 2020. A total number of nine audits had been completed during April 2021 to June 2021 and all had received a satisfactory assurance opinions with no significant issues being identified.

The Committee also heard how Internal Audit continued to provide advice on internal control, risk management and governance arrangements on a consultative basis. Further to completing audits within the agreed plan, the team had attended meetings on Digital and Office Transformation, new system / process implementations in areas such as Leisure Services, Princes Theatre and Accountancy. Internal Audit had also continued to provide advice and support in areas such as procurement, payroll and grant management to ensure constitutional and legal requirements were met in new or unique circumstances.

It was reported to Members that the Council had remained focussed on delivering the message that Internal Audit were there to support services and by letting them know about policy and procedural changes, difficult circumstances or just the unknown due to working on new projects / initiatives. The team could advise and support at an early stage rather than create additional work at a later date if governance or internal control issues were identified during an audit at a later date.

Quality Assurance – The Internal Audit function issued satisfaction surveys for each audit completed. In the period under review 100% of the responses received had indicated that the auditee was satisfied with the audit work undertaken.

Resourcing

It was reported to the Committee that Internal Audit was currently working with an establishment of 3 fte with access to a third party provider of Internal Audit Services for specialist audit days as and when required. The Internal Audit Plan had been delivered with the current establishment. However, Internal Audit had explored the possibility of recruiting for the vacant part-time Audit Technician post to provide additional support both within the Internal Audit Function but also to other departments.

Internal Audit's Apprentice position was still on hold due to the COVID-19 pandemic and the remote working requirements in place. The Internal Audit Manager was currently

engaging with Human Resources to understand what options were available going forwards.

Outcomes of Internal Audit Work

Members heard that the Public Sector Internal Audit Standards required the Internal Audit Manager to report to the Audit Committee on significant risk exposures and control issues. Since the last report nine audits had been completed and the final report issued. The Public Sector Internal Audit Standards also required the reporting of significant risk exposures and control issues.

Assurance	Colour*	Number this Period	Total for 2020/21 Plan	
Substantial		0	5	
Adequate		9	18	
Improvement Required		0	2	
Significant Improvement Required		0	0	
No Opinion Required		0	4	Four consultative engagements in 2020/21

*For the purpose of the colour coding approach, both the substantial and adequate opinions are shown in green as both are within acceptable tolerances.

There were no significant issues identified within audits completed during the reporting period.

Management Response to Internal Audit Findings

The Committee heard how there were processes in place to track the action taken regarding findings raised in Internal Audit reports and to seek assurance that appropriate corrective action had been taken. Where appropriate, follow up audits had been arranged to revisit significant issues identified after an appropriate time.

The number of high severity issues outstanding was as follows: -

Status	Number	Comments
Overdue more than 3 months	0	
Overdue less than 3 months	0	
Not yet due	1	

Update on previous significant issues reported

Members recalled that the Head of Public Realm had attended Audit Committee in April 2021 and had provided an update on Fleet Management. As part of the follow up process Internal Audit understood that all outstanding actions bar one, relating to the fleet refuelling process, had now been implemented. The service had identified the best

way to manage the refuelling process which Internal Audit would continue to monitor and update the Committee accordingly.

No other significant issues had been identified since the last update in April 2021.

ANNUAL AUDIT REPORT OF INTERNAL AUDIT MANAGER

It was reported to Members that the Public Sector Internal Audit Standards (PSIAS) stated that a professional, independent and objective internal audit service was one of the key elements of good governance, as recognised throughout the UK public sector. The role of the Head of Internal Audit (Internal Audit Manager), in accordance with the PSIAS, was to provide an opinion based upon, and limited to, the work performed on the overall adequacy and effectiveness of the organisation's governance, risk management, and control processes.

As set out in the PSIAS there was a requirement under PSIAS 2450 that the 'Chief Audit Executive' must provide an annual report to the Audit Committee, timed to support the Annual Governance Statement. That must include:

- *An annual internal audit opinion on the overall adequacy and effectiveness of the organisation's governance, risk and control framework (i.e. the control environment);*
- *A summary of the audit work from which the opinion was derived (including reliance placed on work by other assurance bodies); and*
- *A statement on conformance with the PSIAS and the results of the internal audit Quality Assurance and Improvement Programme.*

The Committee heard that the Council was accountable collectively for maintaining a sound system of internal control and was responsible for putting in place arrangements for gaining assurance about the effectiveness of that overall system.

Because of that, the Council continued to adopt a 'Three Lines of Defence' assurance model which was taken from the following sources:-

1. Senior Management and Departmental Leadership

Under the first line of defence, operational management had ownership, responsibility and accountability for directly assessing, controlling and mitigating risks.

2. Internal Governance

The second line of defence consisted of activities covered by several components of internal governance (Statutory Officers, Corporate Oversight Functions, Quality Control, IT Security, Data Protection and other control departments). That line of defence monitored and facilitated the implementation of effective risk management practices by operational management and assisted the risk owners in reporting adequate risk related information up and down the organisation.

3. Internal Audit

The requirement for an internal audit function in local government was detailed within the Accounts and Audit Regulations 2015, which stated that a relevant body must:-

- *Undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance.*

Internal Audit Approach

It was reported to the Committee that the Internal Audit function undertook a programme of audits each year to provide the Council and its Audit Committee with assurance on the adequacy of its system of internal control, governance and risk management arrangements. The audit programme had been developed using a risk based approach and different audit techniques to make it leaner and more supportive of service delivery to meet the Council's needs.

CIPFA released guidance on Head of Internal Audit Annual Opinions in November 2020 due to the impact of COVID-19 on public services that sought to address the risks of limitations of audit scope and noted - *'CIPFA recognises that local government bodies were struggling with considerable challenges and were having to make difficult decisions on how best to use their available staff and financial resources to meet critical needs. However, the professional and regulatory expectations on local government bodies to ensure that their internal audit arrangements conform with PSIAS had not changed. In that difficult situation, heads of internal audit would need to consider whether they could still issue the annual opinion or whether there would need to be a limitation of scope.'*

The key elements identified by CIPFA within the latest guidance were:-

- *Planning adequate assurance to support the annual opinion*
- *Engagement between the leadership team, audit committee and HIA*
- *Making effective use of internal audit resources*
- *Early identification of a limitation of scope*
- *Understanding the consequences of a limitation of scope*

It was also reported to the Committee that discussions ~~were being~~ had been undertaken at Tendring District Council (TDC) with the Audit Committee and Senior Management as early as March 2020 around the risks that the Internal Audit Team were facing as well as Council services in general and at that stage it had been identified that the Internal Audit Plan for 2020/21 would need to be fluid as new risks emerged. As a result additional Audit Committee meetings had been held to ensure Members were kept well informed and also to allow for changes to the internal audit plan to be adopted more effectively and efficiently as new information arose.

It was reported to Members that communication between Internal Audit, TDC Leadership and the Audit Committee had been effective and more frequent than any other year due to the additional challenges that the pandemic had brought. All of the key areas identified by CIPFA above had been addressed at the beginning of the financial year and continued to be assessed to date.

Internal Audit had continued to work with services on a consultancy basis to support the implementation of new processes, identify and analyse root cause if necessary and ensure that all relevant employees had the appropriate training to competently carry out their role. That had included advising service areas on their response to the COVID-19 pandemic and ensuring that the best possible service could be provided to the public when there had been a change to working practices or a shift in priorities due to the pandemic.

It was also reported to Members that the independent investigatory work had also been undertaken throughout the year, as and when required, to support Senior Management when internal control issues had arisen within service areas. In 2020/21, only two audits from a total of 29 reviews undertaken had received an overall audit opinion of "Improvement Required" where high severity issues had been identified. Those audits had been in relation to the Princes Theatre and Fleet Management. Improvement actions had been put in place for those audit areas which had then been followed up by the Internal Audit function to assess the progress of implementation. All significant issues had been reported to the Audit Committee with required improvement actions throughout the year to provide a continuous update on the Council's control environment, governance arrangements, material issues identified and improvement actions.

Annual Opinion 2020/21

The report to the Committee outlined that the Head of Internal Audit's annual assurance opinion was based on the following:

- *Internal Audit work completed during the course of the year;*
- *observations from consultancy/ advisory support;*
- *results of any follow up exercises undertaken in respect of previous years' internal audit work;*
- *a review of assurance from other providers including those from first and second lines of defence, independent regulators and peer reviews;*
- *the extent of resources available to deliver the internal audit work; and*
- *the quality and performance of the Internal Audit service and the extent of compliance with the Public Sector Internal Audit Standards*

Limitations to the Annual Opinion

It was reported to the Committee that although the Council was still in the middle of the pandemic there had not been any limitations to report on the ability to deliver the Internal Audit Plan and provide an annual opinion on the effectiveness of governance, risk management and internal control. There had been changes to the audit plan throughout the year due to emerging risks leading to some audits relating to governance, data protection and business grants being included. The changes to the audit plan had been in consultation with the Audit Committee and Management Team. Furthermore the additional reviews had only added to the overall assurance opinion provided by the Internal Audit Team.

It was also noted that the Internal Audit Plan could not have been completed without the agreement and support of service managers and their staff as they were able to

continue to provide a service to the public, address the changes and challenges from COVID-19 and allow time and resources for auditors to review the work they had been doing through 2020/21.

The Head of Internal Audit Annual Opinion

The report informed Members that the overall direction of travel regarding the internal control environment since 2019/20 had improved as all but two audits had received a satisfactory level of assurance throughout the 2020/21 financial year. A total of 38 moderate issues and 6 major issues had been identified with actions agreed with operational management throughout the year. All major actions due had been reported to the Audit Committee and implemented by the relevant department. All moderate actions had been managed through the follow-up process with the service area.

Governance arrangements and internal controls had been evaluated in all audits within the plan, albeit with varying levels of scope. Senior Management continued to review strategic risks on a regular basis within Management Team and the Corporate Risk Register was reviewed bi-annually with any feedback reported to Management Team for consideration.

Members heard that COVID-19 had had a significant impact on the public and public services; however, departments within the Council had managed to continue to provide services to the public whilst managing the pressures and challenges from the pandemic. That had allowed for Internal Audit to complete the Internal Audit Plan and support services when required. There had been procedural and policy changes throughout the year which Internal Audit had had view of and consulted on if needed.

Members also heard the processing of Government business grants had taken up a lot of resource within the Corporate Services department throughout the year in order to undertake the necessary criteria checks prior to making payments. Internal Audit had taken assurance from the post assurance work carried out by the Fraud and Risk Team requested by the Department for Business, Energy and Industrial Strategy which had evidenced only two minor errors in the sample of transactions tested. The Fraud Officer had also carried out many investigations pre and post payment of business grant funds to prevent the Council being exposed to repayment of funds to central government through unnecessary error and fraud.

Internal Audit had also undertaken their own review of business rates which had included a review of business grants and the checks undertaken by Revenue Officers prior to payment with no significant issues being identified. The opinion of the Internal Audit Manager had been drawn from all of the information reported above, external reviews carried out throughout the year from other assurance providers and through the ongoing work in supporting Senior Management and services in delivering the Council's objectives and vision.

The Internal Audit function had updated the annual Quality Assurance and Improvement Programme (QAIP) which was a self-assessment questionnaire against the Public Sector Internal Audit Standards. The QAIP had been completed and presented to and agreed by the Audit Committee in January 2021.

The report to the Committee showed how the Internal Audit Manager was therefore satisfied that sufficient work had been completed in 2020/21 to draw a reasonable

conclusion on the adequacy and effectiveness of the Council's activities. The internal control environment continued to remain stable with no significant changes from 2019/20 other than those reported to the Audit Committee throughout the year as part of the periodic reporting arrangements. An open dialogue with Senior Management on risk remained in place and a generally sound system of internal control had been assessed across the majority of the Council's operational areas. Therefore, an overall unqualified opinion of 'Adequate Assurance' had been issued by the Internal Audit Manager.

The Committee noted that the above report would be included within the Council's Annual Governance Statement (AGS) as part of its statutory responsibilities. Further work would be undertaken at a later date on lessons learnt from COVID-19 in line with AGS priorities.

INTERNAL AUDIT PLAN PROGRESS (2021/22)

Members heard how two audits from the 2020/21 Internal Audit Plan had been completed with both receiving an overall opinion of Substantial Assurance with no significant issues identified. A further four audits were in the fieldwork phase and a further two audits had been allocated.

The Internal Audit Team had been monitoring outstanding actions and working hard to ensure that services worked with Internal Audit to confirm that agreed actions were completed in a timely manner. Work had begun in areas such as Bereavement Services, Performance Management, Building Control and Pre and Post Employment Checks. Some resource was currently being used to undertake independent fact finding exercises as part of potential / emerging governance issues. The consultative days allocated within the Internal Audit Plan was being used to support that work.

Appendix B to the Internal Audit Manager's report provided an update on the status of each audit to date.

There were no significant issues or particular areas of concern to report at this time.

After a detailed discussion, the Committee **NOTED** the contents of the report.

13. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - TABLE OF OUTSTANDING ISSUES

The Committee had before it a report submitted by the Assistant Director (Finance & IT) (A.2) which presented to the Committee the progress on outstanding actions identified by the Committee, together with updates on other general issues that fell within the responsibilities of the Committee.

- Members were aware that a Table of Outstanding Issues was maintained and reported to each meeting of the Committee. That approach enabled the Committee to effectively monitor progress on issues and items that formed part of its governance responsibilities.
- Updates were set out against general items, external audit recommendations and the Annual Governance statement within Appendices A, B, and C respectively to the Officer report.

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

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

- the progress against the actions set out in Appendices A to C of the Report of the Assistant Director (Finance & IT) be noted.

The meeting was declared closed at 11.11 am

Chairman

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Motion to Council pursuant to Council Procedure Rule 12
submitted by Councillor Chris Griffiths in relation to Planning
Applications and the Public's Right to Object

“This Council believes that planning works best, when developers and local communities work together to shape local areas and deliver necessary new homes, and therefore calls on the Government, to protect the rights of all communities to object to individual planning applications.”

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Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Maurice Alexander in relation to ECC's Public Consultation on safer, greener, healthier travel from Jaywick Sands to Clacton-on-Sea

“On 10th August 2021 Tendring District Councillors were all informed of plans for residents to have their say on safer, greener, healthier travel from Jaywick Sands to Clacton in a consultation that started the very next day.

Whilst many residents will quite rightly support cleaner air, safer roads and the tackling climate change they have a right to know the details of the scheme and how it will affect them, especially as their views are being sort. It's the open and transparent thing to do.

Sadly, this consultation asks generic, general questions and glosses over details such as the possible concreting over of part of Clacton's greensward, the removal of parking spaces used by residents and visitors, the narrowing of primary roads and the riding of cycles on the pavement of a busy crossroads crowded by families with excited young children.

Therefore, this Council instructs the Chief Executive to write to Essex County Council and inform them that this Council opposes the scheme in its present form as it sees no reason to put a cycle path across part of the West Greensward when an adequate cycle path already exists and feels the Pier to Station part of the proposals excludes rather than includes the town and would cause unnecessary disruption and congestion. Tendring District Council therefore requests instead that a route that benefits residents, visitors, and the future of Clacton town centre is developed and consulted on properly with residents.”

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COUNCIL

14 SEPTEMBER 2021

REPORT OF CHIEF EXECUTIVE

A.2 COUNCILLORS' NON-ATTENDANCE AT MEETINGS

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with Article 2.06 of the Council's Constitution to inform Council that Councillors Calver, Cawthron and G L Stephenson have exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

EXECUTIVE SUMMARY

The last meeting which Councillors Calver, Cawthron and G L Stephenson attended was that of the Annual Meeting of the Council held on 27 April 2021.

If a Councillor does not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualifies them unless the Full Council approves the reason for non-attendance before the end of that period.

That six month period for Councillors Calver, Cawthron and G L Stephenson will therefore expire on 26 October 2021.

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

Therefore, in accordance with the said Article 2.06 I formally report that Councillors Garry Calver, Peter Cawthron and Gemma Stephenson have exceeded four months (since 27 April 2021) without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

RECOMMENDATION(S)

That the contents of this report be **NOTED**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

14 SEPTEMBER 2021

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

A.1 COUNCILLORS' NON-ATTENDANCE AT MEETINGS

None.

COUNCIL

14 SEPTEMBER 2021

REPORT OF CHIEF EXECUTIVE

A.3 **CHANGES IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Independent Group and the authority delegated to me, the following appointment has been duly made since the last ordinary meeting of the Council, namely:-

Community Leadership Overview & Scrutiny Committee

Councillor Chapman has been appointed to serve in place of Councillor Davis.

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

14 SEPTEMBER 2021

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

A.2 CHANGES IN MEMBERSHIP OF COMMITTEES

Formal appointment dated 28 July 2021.

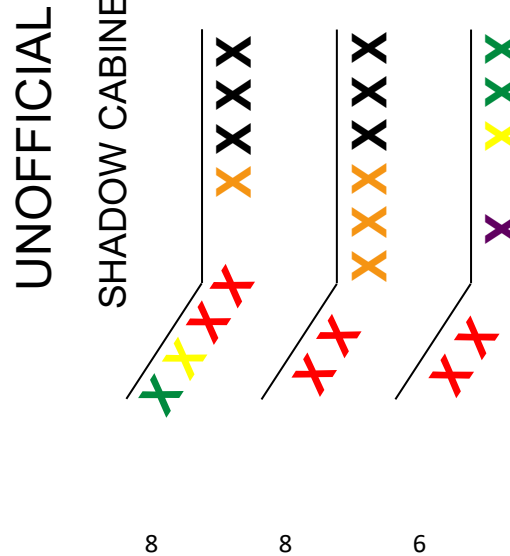
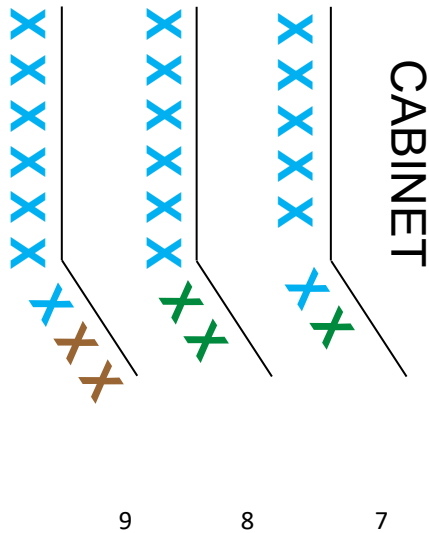
LAYOUT FOR MEETING OF THE COUNCIL - PRINCES THEATRE (JULY 2021)

(Chairman
Vice Chairman
Chief Executive
Assistant Director (Governance &
Monitoring Officer)



X X

Democratic Services Staff



KEY

- X (Blue) = Conservatives
- X (Black) = Tending Independents
- X (Brown) = Holland-on-Sea
- X (Green) = Independent
- X (Red) = Labour
- X (Yellow) = Liberal Democrats
- X (Orange) = Tending First
- X (Purple) = UKIP
- X (Lime) = Officers

SEATING FOR PUBLIC

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