



RESOURCES & SERVICES OVERVIEW & SCRUTINY COMMITTEE

DATE: Monday, 1 November 2021

TIME: 7.30 pm

VENUE: Council Chamber - Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor M Stephenson (Chairman)
Councillor Scott (Vice Chairman)
Councillor Allen
Councillor Barry
Councillor Codling

Councillor Griffiths
Councillor Harris
Councillor Land
Councillor Morrison

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After the meeting the recording of the live stream will normally be available using the same link. 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 Keith Durran Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686585.

DATE OF PUBLICATION: Friday, 22 October 2021



AGENDA

1 Apologies for Absence and Substitutions

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

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Monday 20 September 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 Questions on Notice pursuant to Council Procedure Rule 38

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

5 Review of the Work Programme (Pages 9 - 22)

To present to the Committee a draft detailed Work Programme 2021/22, to consider the detail and ordering of the Work Programme.

6 REPORT OF DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE. - A.2 - TENDRING DISTRICT COUNCIL ENFORCEMENT (Pages 23 - 36)

To provide an update on the range of enforcement activities being carried out by multiple services of the Council.

7 REPORT OF PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACES - A.3 - WASTE AND RECYCLING SERVICE (Pages 37 - 42)

To report to the Committee and update on Bring Sites, Public litter bins, A120 transfer site and recycling levels within Tendring.

8 Scrutiny of Proposed Decisions (Pages 43 - 44)

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

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

9 Recommendations Monitoring Report (Pages 45 - 52)

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

Date of the Next Scheduled Meeting

The next scheduled meeting of the Resources and Services Overview and Scrutiny Committee is to be held in the Council Chamber, Town Hall at 9.30 am on Thursday, 13 January 2022.

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.

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 20TH SEPTEMBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling and Griffiths and I Henderson
Also Present:	Councillor C Guiglielmi (Deputy Leader, Portfolio Holder for Corporate Finance and Governance) and Porter (Portfolio Holder for Leisure and Tourism)
In Attendance:	Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Kieran Charles (Head of Sport & Leisure), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	David Clarke (Hestur Limited)

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

19. MINUTES OF THE LAST MEETING

- (1) It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 5 July 2021 be approved as a correct record; and
- (2) it was noted that, following the 5 July 2021 meeting of the Committee (Minute 15 refers) there had been an informal task and finish style meeting of Members of the Committee to look further at the issue of untenanted Council Homes (2Voids”) on 2 September 2021 and a further meeting would be taking place on 29 September with a view to recommendations on this subject being submitted to the next meeting of the Committee for consideration

20. DECLARATIONS OF INTEREST

Councillor I Henderson declared a personal interest in item 5, “Enquiry into Particular Elements of the Councils Sport and Leisure Service” (Minute 22 below refers) as he had a close family member working in one of the Districts Leisure Centres.

21. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

22. **REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM - A.1 -
ENQUIRY INTO PARTICULAR ELEMENTS OF THE COUNCILS SPORT AND
LEISURE SERVICE**

The Committee had before it a report that outline that the pandemic had significantly impacted Leisure Services nationally over the last eighteen months, as three waves of lockdown had shut Facilities and membership numbers had declined. Tendring District Council Leisure Service had not been immune from the national trends. A responsive approach throughout the pandemic had been required as the operating environment changed on a monthly basis. The downtime in the pandemic had enabled progress on major refurbishment works to the Council's main Facility at Clacton Leisure Centre. The Council, in its post Covid recovery strategy – Back to Business - had committed to further improvements to the external offer at Clacton, with a complete redevelopment of the Skate Park (which had now been reprogrammed to 2022).

As requested by the Committee, the update set out the Facilities usage over the previous five years and projections for usage in the current and next following four years, demonstrated the impact of the pandemic and future trends. The report also showed some of the financial consequences of the pandemic in the budget over the last five years, included revenue income, expenditure, capital/one-off investments and grants to the Council.

The Portfolio Holder indicated that the projections of future use were only projections and, as with all projections, should be treated with caution.

In the discussion, the approach to delivering excellent customer service and care in the leisure facilities was considered. Opportunities to improve these were raised and the Head of Sport and Leisure agreed to look at these matters with those in that service area.

In response to a question, the Head of Sport and Leisure agreed to provide the Members of the Committee with the detail of income/expenditure over the current and last four years by leisure facility together with the usage data from those individual centres.

The Head of Sport and Leisure also advised that the improvement works at Clacton Leisure Centre had identified the benefits of improved building management systems to reduce energy use. He also outlined the rebranding that had taken place at the sites and the new leisure facilities website. The opportunity for the Council's Tourism Service to promote the Council's Leisure facilities was referenced to the Portfolio Holder and officers to look at.

After an in depth discussion it was **RECOMMENDED to CABINET** to restate the Committee's request that an updated draft District-wide Leisure Strategy be brought forward as speedily as possible for consultation and that the Strategy should seek to enable a fresh direction to the delivery of leisure facilities and address the issues facing the District; including encouraging people to progress from being fairly active to active and from inactive to fairly active and the provision for those with disabilities.:

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

**23. REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM - A.2 -
ENQUIRY INTO PARTICULAR ELEMENTS OF THE COUNCILS SEAFRONTS
SERVICES**

The Committee heard how in 2014 the Council instigated a £36 million coastal defence project stretching from Clacton Pier to Holland on Sea in partnership with the Environment Agency. Not only had that protected the coastline, it had led to the creation of 23 new sand beaches which provided a major opportunity for tourism development.

The Committee also heard that in 2016 the pre-construction phase started to stabilise the cliff between Hazelmere and Queensway, the pre-construction phase consisted of ground investigations, numerous surveys, obtaining planning permission, producing detailed designs, producing tender documents, obtaining tenders, and appointing a contractor in line with the procurement policy. The construction of the project commenced on 28/08/18 and was completed on 28/06/19 at a cost of £4.3 million. The project stabilised a 500m length of coastal slopes by temporarily removing 83 beach huts, excavating to construct a new piled slope retaining wall and new steel piled retaining wall at the base of the slope to provide a stable shelf for the beach huts to be returned. The scheme also included new drainage and Equality Act compliant ramped from the top promenade to the lower promenade.

The scheme was identified in the Clacton & Holland Geomorphological Assessment and Conceptual report 2015 produced by Mott MacDonald. The report had identified the areas most at risk of failure between Clacton Pier and Holland Haven. The report also suggested a detailed slope stability study of the cliffs to be carried out at a cost of £225,000. Based on that estimate the suggested cost to carry out detailed slope stability studies on all the cliffs the Council was responsible for would be approximately £700,000.

With the assistance of the Assistant Director for Building & Public Realm and Mr David Clarke of Hestur Limited (the Council's contractor for the current cliff stabilisation works), the Committee considered the risk factors for the cliffs in the area and the measures to reduce the risks and otherwise undertake works to stabilise the cliffs for the future. The aim would be to achieve cliffs with a sustainable factor of safety of 1.0. Mr Hestor advised that neighbouring cliffs to those currently being stabilised could fail with a marginal deterioration of the factor of safety. The works being undertaken were using techniques to reduce vibration and therefore not themselves cause the factor of safety to worsen in those neighbouring cliffs. He also advised that the current stabilisation works could be completed by December 2021 (although it had provided for them to be completed by March 2022 to allow for adverse weather impacts). The Assistant Director for Building & Public Realm referenced an initial visual overview of the slopes from the Pier to Holland Haven confirmed some were at more risk of failure and the bowed railings and cracked promenade in places were some of the indicators to this. He further advised that the original pitch-fibre drainage system was still in place in the cliffs although its effectiveness had likely deteriorated.

The Members heard how there were currently 3,040 beach huts directly under the operation and management of Tendring District Council. The Seafronts team managed the beach hut service, which strived to ensure continued popularity of Beach Huts in Tendring, continually improve seafront appearance and generate revenue to reinvest. A

further £64,000 worth of proposed improvements/additions to the Beach Huts would be coming forward in the near future.

In response to questions from the Members of the Committee, the Assistant Director for Building & Public Realm agreed to provide them with the detail of the improvement works over the last 5 years for Seafronts Assets and Infrastructure and the Clacton & Holland Geomorphological Assessment and Conceptual report of 2015 produced by Mott McDonald. The wish for these to be part of the public record was requested by Members of the Committee.

The point was also made that the extent of railings along the seafront promenade provided the Council with numerous opportunities to advertise issues, events and services.

After a detailed discussion the Committee **RECOMMENDED** to **CABINET** that:

- a. where observation reveals cliff slippages, all communication with Beach Hut Licensees in respect of Cliff Stabilisation and safety, is consistently shared with the relevant District Ward Councillors.
- b. the undertaking of a survey of cliff vulnerability across the 26 kilometres of coast line for which is this Council's responsibility and beach levels in the 23 bays created in 2013/14 in the Clacton-on-Sea and Holland-on-Sea areas be undertaken as an imperative piece of work in the next few months and thereby address the concerns raised by the Committee on 22 June 2020 (Minute 62 refers) and on 21 September 2020 (Minute 85 refers).

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

24. REPORT OF THE ASSISTANT DIRECTOR OF FINANCE & IT. - A.3 - FINANCIAL OUTTURN 2021/22 AND IN-YEAR FINANCIAL PERFORMANCE UPDATE FOR 2021/22

The Committee was provided an overview of the Council's financial outturn for the year 2020/21 and the allocation of the associated General Fund Variance for the year along with the latest in-year financial performance position for 2021/22.

The Members heard that on 30 July 2021 the Portfolio for Corporate Finance and Governance considered the Financial Outturn 2020/21 and:

- (a) notes the financial outturn position for 2020/21 as set out in this report and appendices;*
- (b) approves the financing of General Fund capital expenditure for 2020/21 as detailed in Appendix D;*
- (c) approves the movement in uncommitted and earmarked General Fund reserves for 2020/21 set out in Appendix E;*

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- (d) *approves the qualifying carry forwards totalling £23.322m (£14.352m Revenue and £8.970m Capital) as set out in Appendix K;*
 - (e) *agrees that all other carry forwards totalling £0.536m requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its September 2021 meeting;*
 - (f) *in respect of the Housing Revenue Account (HRA), approves the movement on HRA balances for 2020/21 including any commitments set out within Appendices H and/or I along with recharges to the HRA from the General fund of £2.813m for the year and the financing of the HRA capital expenditure set out in Appendix I;*
 - (g) *that, subject to the above, notes the various COVID 19 grant funding amounts set out in Appendix K (ii to iii) and approves the use of the funding as set out in the same appendix and in the main body of this report;*
 - (h) *that, subject to the above, recommends to Cabinet that the overall General Fund Outturn Variance for the year of £1.539m be used to support the essential works at the Weeley Crematorium;*
 - (i) *recommends to Cabinet that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget as set out in this report; and*
 - (j) *authorises the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2020/21 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2020/21 accounts".*

The Members also had an update provided directly at the meeting of the Committee that, at its 17 September 2021 meeting, Cabinet had (in respect of the Outturn Position for 2020/21):

- (a) *Agreed that the total of £0.536m requested by services can be retained by them via the associated carry forward requests as set out in Appendix A; and*
- (b) *after considering the recommendations of the Portfolio Holder for Corporate Finance and Governance, agreed:*
 - (i) *that subject to the approval of an associated Project Initiation Document / Business case, it is approved in principle that the necessary remedial works be carried out at the Weeley crematorium funded by using the overall General Fund Outturn Variance for the year of £1.539m.*
 - (ii) *that subject to b(i) above, the approval of the Project Initiation Document / Business Case associated with the proposed remedial works at the Weeley Crematorium be delegated to the Portfolio Holders for Environment and Public Spaces and Corporate Finance and Governance; and*

(iii) that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget as set out later on in this report";

The Cabinet Report referred to above also included a timely update on the general financial performance of the Council in 2021/22. The timing of that report therefore allowed the Committee to review that most up to date position as well as the outturn for the year.

It was reported to Members that, although the Committee had considered a list of one-off funded projects at previous meetings, given the outturn for 2020/21 had only recently been finalised, the most up to date position was in effect the amounts requested to be carried forward into 2021/22 that were included within the report.

Updates were provided against that list, which were in-line with corporate priorities, as part of the quarterly financial performance reports that would be presented to members over the remainder of the year. However, work remained on-going to deliver against the associated projects supported by the additional capacity that would be funded from the £0.200m set aside for that purpose earlier in the year.

Following a review by Directors / Assistant Directors, the additional capacity identified as being required primarily centred around:

- Procurement
- Maximising External Funding Opportunities / Bid Writing
- General Project Management

In terms of procurement, as set out in the report to Cabinet, it was proposed to work in partnership with Essex County Council, which would allow the Council to not only access additional capacity but also specialist procurement advice / knowledge.

The Committee's attention was drawn to the Local Government Association's Peer Challenge Report of the Council in 2018 and the Annual External Audit Letters to the Council from 2018, 2019 and 2020 in which the levels of underspends each year had been identified as issues for the Council to address. The impact on deliverability of planned projects and the related issues of utilising/releasing committed reserves had been identified in the External Audit Letter 2020.

The Portfolio Holder for Corporate Finance and Governance confirmed his willingness to meet with the Chairman of this Committee to address the two issues referred to above from the External Auditor's Letter 2020 in relation to the list of one-off funded projects.

In response to questions from Members of the Committee, the Assistant Director for Finance and IT agreed to provide them with the decision and application to the UK Government for a scheme to be funded from the Government's Levelling Up Fund. The application had been submitted in conjunction with Essex County Council.

After an in depth discussion it was **RESOLVED** to note the report and that progress against the projects to be funded by one off sums/reserves/provisions be the subject of an enquiry at the March 2022 meeting of the Committee and. that this review

should include details of the original decision to allocate the funds and an assessment as to whether the scheme is on target to be delivered.

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

25. 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 forth coming decisions were before the Committee.

The Committee **NOTED** there were no forthcoming decisions.

26. RECOMMENDATIONS MONITORING REPORT

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

In addition, the Head of Democratic Services & Elections advised the Committee that on 17 September 2021, the Cabinet had approved the following in respect of the Committee's recommendations on the Council's Tourism Strategy from 24 May 2021 (Minute 6 refers):

"I would like to thank the Committee for its views and where possible, suggestions will be built into the work programme for the delivery of the strategy. Further to this, I would suggest the Committee set up task and finish groups to look in detail at how some of the suggestions could be delivered in practice. In particular, the carbon offsetting of the Clacton Airshow and how further improvements can be made to improve cleanliness. I look forward to seeing the results of the in-depth scrutiny by the Committee in these areas and welcome further thorough scrutiny that results in an improved strategy."

It was **RESOLVED** that the Committee notes the report.

27. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was submitted to it in order to enable the Committee to review that programme.

The Chairman reported that since the adoption of the work programme, he had discussed the timing of the proposed enquiry into the Council's communications strategy. Following the discussions, the Chairman proposed that this enquiry be rescheduled from the 13 December meeting of the Committee to 13 March 2022. As a consequence, space would be created for the Committee to undertake an enquiry into the joint use agreements for leisure facilities which was currently the subject of consultation.

The Chairman further indicated that he would wish to see an opportunity for the Members of the Committee to consider informally the information requirements for the enquiry into Council enforcement in the next few weeks so as this information could be submitted to the Committee at its formal meeting on 1 November 2021.

The Committee noted the contents of the report and **RESOLVED** to approve the changes set out and otherwise relayed to it.

The meeting was declared closed at 10.31 pm

Chairman

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

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

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p><u>Joint Panel with Community Leadership Overview and Scrutiny Committee</u></p> <p>Post COVID Regrowth Town Centres, Supporting them to survive and thrive (adapting to the post covid uses by residents and visitors) and investment into those Town Centres. Revisit Tending4Growth and see when and where the money is being spent. Back 2 Business-joined up thinking of skills, jobs and enterprise, in short medium and long term goals. Progress with the previously</p>	Scoping Doc	<p>Building Sustainable Communities for the Future/ B6 - Effective planning policies and B3 - Vibrant Town Centres</p> <p>A Growing and Inclusive Economy/D2 - Support existing businesses</p>	<p>The Council's relevant policies and strategies (including Tending4Growth). Copies of relevant bids; such as for the Government's Towns Fund</p> <p>The Cabinet's approved Key Actions for 2021/22 to deliver 'back to business'/business support in that year. Performance detail against the Cabinet's Key Actions. Details of occupancy, footfall and other measures of the vibrancy of the District's economy</p>	<p>Gary Guiver, Assistant Director</p> <p>Mike Carran, Assistant Director</p>	<p>To support delivery against the approved Plans/Strategies in order to maximise the benefit to the local economy and to look at how we can work with our partners to achieve this.</p>

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

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

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>TDC Enforcement in the district, including:</p> <p>(1) Waste, Fly tipping, Littering, Abandoned cars and abandoned dogs enforcement</p> <p>(2) Environmental Protection Nuisances - Noise, odour, bonfires, pests and light pollution enforcement</p> <p>(3) Private sector Housing (private landlords) as well as Caravan parks and camp sites) enforcement</p> <p>(4) Food, Health and Safety, skin piercing operators, animal licensing, breeding, kennelling selling,</p>	1 November 2021	Delivering High Quality Services/A6 - Effective Regulation and Enforcement	<p>Details of strategies and plans from across the council on enforcement</p> <p>Details of the Council's co-ordination of enforcement approaches and detection of matters that can be evaluated for enforcement (cross-service training and working to identify and report matters while undertaking other activities)</p> <p>Use of PCN or similar, warnings, removal of authorisations and prosecution by services over the last five years.</p>	<p>Cllr. Carlo Guglielmi, Deputy Leader and Portfolio Holder</p> <p>Assistant Directors - Andy White.</p> <p>Tim Clarke</p> <p>Anastasia Simpson</p> <p>Graham Norse</p> <p>Richard Barrett</p>	<p>To assess the extent to which policies on enforcement exist, are up to date and provide a coherent approach to proportionate enforcement of offences/breaches across the Council. Thereby to inform any recommendations around this.</p> <p>To assess the extent to which the delivery matches the expectations in the approved plans and whether adjustments to delivery should be considered to improve that coherent approach.</p>

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>riding establishments, performances of animals and zoos enforcement.</p> <p>(5) Alcohol, entertainment and taxi/private hire licensing enforcement</p> <p>(6) Planning and Building Regulation Enforcement</p> <p>(7) Benefit fraud enforcement and Council/NNDR payment enforcement</p> <p>And looking at the co-ordination of the Council's enforcement across the above.</p>					

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Waste</p> <p>(1) Specifically waste material that is generated in connection with the Waste Transfer Station and occurs along the A12 and A133.</p> <p>(2) Public Litter bin provision (determination of such sites and gaps in provision), replacing damaged bins, bin emptying schedules and rotas. How will that provision accommodate increased litter due to increased visitor numbers during the usual tourism season and outside of that season</p>	1 November 2021	<p>Delivering High Quality Services/Minimise waste: Maximise recycling and Public spaces to be proud of in urban and rural areas</p>	<p>Details of the services provided, the related budgets and service requests/performance data over the last five years. This is to include details on the points raised in the item details. The mean level of recycling for all local authority districts in the East of England, compared with the position for Tendring in each of those years and the aspiration of the service over the coming four years to reach that level (21 September 2020 (Minute 86 refers)); The details of all bring sites detailing the recycling available, the extent of use as far it is known, the</p>	<p>Cllr. Michael Talbot as Portfolio Holder Andy White, Assistant Director Jon Hamlet, Head of Service</p>	<p>To enquire into specific elements of the strategic approach to waste/ recycling and the delivery against that approach with a view to determining whether refinements to one or both appear appropriate.</p>

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>(where popularity is increasing)?</p> <p>Recycling bring sites – looking at previously discussed improvements and progress with these to ensure such sites are accessible, known about, the adequacy of the range of opportunities to recycle, the cleanliness of those sites and the recording of usage/provision of additional capacity.(4)</p> <p>Progress with increasing the recycling levels from residents.</p>			<p>collection frequency and the plans for improving them, the range of recycling to be made available to extend that provision and address any excess of use over capacity for it and the signage at those sites to be clear that side waste should not be left.</p>		

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To examine the Council's communications strategy – using different media, utilising technology efficiently, assessing the impact of communication	20 December 2021	Delivering the Council's Vision Delivering High Quality Services	The Strategy and details of key campaigns Details of the expenditure on communications over the past five years Analysis of communication activity as to the reach, understanding and action based on the messages Details of service user communications from across the Council (with details of frequency and examples) Marketing opportunities and those implemented for key services	Cllr. Carlo Guglielmi, Deputy Leader and Portfolio Holder Anastasia Simpson, Assistant Director	To appreciate the underlying elements of the Council's communications approach and the opportunities for developing these to address the information needs of residents and service users.
Budget scrutiny – 12 January 2022					

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Celebrating the Area's Heritage – what is being done, how much money the Council is investing in this and what are the outcomes of that investment.	7 February 2022	A Growing and Inclusive Economy/ D4 - Promote Tendring's tourism, cultural and heritage offers	<p>The Council's Heritage Strategy and action plans. The Strategy was adopted by decision of the Leader on 24 April 2020</p> <p>Details of budgets and performance/output indicates over the last five years.</p> <p>Heritage and Conservation Area Planning Guidance and its application for traditional farm buildings, conservation areas and listed buildings</p>	Cllr. Alex Porter, Portfolio Holder Mike Carran, Assistant Director Gary Guiver, Assistant Director	To examine the Strategy and how it has been implemented since its adoption and the local projects identified in the Strategy. This will inform the Committee as to whether any recommendations need to be submitted to Cabinet on the Strategy and/or its implementation.

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
To be determined	21 March 2022	To be determined	To be determined	To be determined	To be determined
To be determined	23 May 2022	To be determined	To be determined	To be determined	To be determined

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Disabled Facilities Grants –progress with the measures previously agreed and the occupational therapist support capacity to assist in the assessment and design of adaptations?	To be allocated	Strong Finances and Governance/Use assets to support priorities Community Leadership Through Partnerships/E2 – Health and Wellbeing-for effective services and improved public health	Details of the spend and numbers of applications received and processed, time span from receipt of application to payment of grant/decision to refuse in each of the last five years. Demographic details of the population of the District and any other indicators of latent demand. Details of the communications plan to bring the detail of the scheme to the attention of those in need.	Cllr. Paul Honeywood, Portfolio Holder Tim Clarke, Assistant Director Representatives of Essex County Council’ Occupational Health Service who assess applications Representatives of community groups who represent those most likely to require/use facilities funded by these grants.	To look at this element of the service provided to local residents and to assess whether the Cabinet should be recommended to take action in relation to this service

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

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

Leisure centres and the Leisure Strategy – looking at the developing Strategy against previously discussed intentions for it and the implication for investment in Leisure provision locally to address those areas where Tendring is below comparable averages in activity levels among the local community.	20 September 2021	<p>Delivering High Quality Services</p> <p>Strong Finances and Governance/Effective and positive Governance</p> <p>Community Leadership Through Partnerships/Health and wellbeing - for effective services and improved public health</p>	The Leisure Strategy and Action Plan Details of the leisure facilities of the Council and individual proposals for each of them based on the Strategy and Action Plan	Cllr. Alex Porter, Portfolio Holder Mike Carran, Assistant Director	To examine the Council's strategy for leisure facilities, the basis for this strategy and how that is delivered and its potential to support increasing activity levels locally and opportunities for learning from one scheme to the next.
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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 1 NOVEMBER 2021

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Seafront Expenditure</p> <p>Cliff stabilisation – The Beach Huts Service</p> <p>The costal defence ‘fish tails’, the created beaches and the potential for Beach recharge activities.</p>	20 September 2021	<p>Strong Finances and Governance /C1 - Balanced annual budget and 10 year financial plan</p> <p>Delivering High Quality Services/Public spaces to be proud of in urban and rural areas</p> <p>A Growing and Inclusive Economy/ Maximise our coastal and seafront opportunities</p>	Details of the expenditure on cliff stabilisation works over the last five years and the schemes that have been undertaken in those five years (including the specific stretch of cliff	Cllr. Carlo Guglielmi, Deputy Leader and Portfolio Holder Richard Barrett, Assistant Director Andy White, Assistant Director	To consider the Council’s delivery against the Corporate Plan commitments and determine whether any recommendations for adjustment to policies or budget allocation are appropriate.

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

1 NOVEMBER 2021

REPORT OF DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE

A.1 TENDRING DISTRICT COUNCIL ENFORCEMENT

(Report prepared by *[Assistant Directors, Anastasia Simpson, Andy White, Graham Norse, Richard Barret and Tim R Clarke]*)

PURPOSE OF THE REPORT

To provide an update on the range of enforcement activities being carried out by multiple services of the Council.

INVITEES

- Cllr. Giancarlo Guglielmi, Deputy Leader, Tendring District Council
- Andy White, Assistant Director, Building and Public Realm, Tendring District Council. To be presenting on Waste, Flytipping, Abandoned cars and Abandoned dogs enforcement.
- Tim Clarke, Assistant Director, Housing and Environment, Tendring District Council. To be presenting on Environmental Protection, Private Sector Housing, Food/Health and Safety enforcement and Tenancy Management.
- Anastasia Simpson, Assistant Director, Partnerships, Tendring District Council. To be presenting on Alcohol, Entertainment, Taxi/Private licensing enforcement.
- Graham Norse, Assistant Director, Planning, Tendring District Council. To be presenting on Planning and Building Regulation enforcement.
- Richard Barrett, Assistant Director, Finance and IT, Tendring District Council. To be presenting on Benefit Fraud and Council Tax/NNDR enforcement.

BACKGROUND

To provide an update on the level of enforcement work carried out across multiple services within the Council as well as providing an overview on the strategic coordination of significant enforcement issues as part of the Resources and Services Overview and Scrutiny Committee's annual work programme.

The Committee wishes to assess the extent to which policies on enforcement exist, are up to date and provide a coherent approach to proportionate enforcement of offences/breaches across the Council. Thereby to inform any recommendations around this.

The committee also seeks to assess the extent to which the delivery matches the expectations in the approved plans and whether adjustments to delivery should be considered to improve that coherent approach.

The report will also provide a methodology as to how enforcement activities are carried out to give a greater understanding of the approach taken to ensure that a proportionate and consistent response is taken to each enforcement activity. The report will also identify the training that has been undertaken and is proposed in relation to enforcement.

DETAILED INFORMATION

The Corporate Enforcement Group.






The Corporate Enforcement Group (CEG) was started in 2017 with a view to coordinating the enforcement response across the Council under the overarching Corporate Enforcement Strategy. The group has had a number of iterations and the current group comprises of Portfolio Holders, Directors, Assistant Directors and Senior Managers within the Council with the aim to improve and develop the enforcement response across the Authority.

The purpose of the Corporate Enforcement Strategy is to explain clearly and publicly summarise Tendring District Council's intended approach towards enforcement and dealing with non-compliance.

All authorised officers when making enforcement decisions shall abide by this Strategy, and the supporting documented procedures, both within the appendices and departmental processes.

Enforcement enables us to ensure rules are followed in a way that improves outcomes for residents in Tendring. Our investment and wide range of enforcement activity is successfully helping us to keep the district clean and tidy, supports high quality housing, keeps people safe travelling, and ensures better health.

We will exercise our regulatory activities in a way which is:

-  **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
-  **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
-  **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
-  **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
-  **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

It is important to understand that “Enforcement” includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and therefore the term “enforcement” has a wide meaning and applies to all dealings between the Council and those upon whom the law places responsibilities. It is not limited to formal enforcement action such as prosecution, but can include a range of interventions that seek to achieve compliance with the law.

The CEG primarily focusses on significant issues that require a strategic approach to

resolve the problem as well as encouraging services to work together, across boundaries and to take a 'whole' council approach rather than a service only approach. The group also actively seeks the engagement and cooperation of external bodies to encourage joint working.

The group also provides direction and support to the recently formed Operational Enforcement Group that is made up of officers who carry out enforcement as part of their day to day activities.

The CEG has identified, agreed and allocated funds to purchase 4 mobile CCTV cameras and 26 body worn cameras. The group has also set aside funds for additional legal resource and has funded a Case Officer post to support services to ensure that there is continuity in the way that information is collected and recorded across all services, as well as to assist with case file preparation and provide advice and guidance about potential prosecutions as required by taking a cross departmental approach to problem solving and enforcement tactics.

The Operational Enforcement Group (OEG) is still in its infancy, however the group are working to agreed Aims and Objectives and have produced a document that details who takes what Enforcement Action across the Council. The group discusses complex cases that cut across multiple teams in the Council and co-ordinates responses with other agencies such as Essex Police to resolve issues by taking a joint approach.

The OEG members will work together to identify future training needs to ensure that Officers have the skills and knowledge to feel confident whilst carrying out their duties. To date 16 members of staff attended Fixed Penalty Notice training with an outside training provider.

A further proposed package of training for Officers, is shown below;

- **Notices** – drafting, serving, and repairing problems -This training will cover the essentials of drafting in terms of enforcement notices, particular rules concerning the specifying of requirements and ambiguity, categories of recipient, methods of identification and modes of service, rules on appeal, methods to rectify errors and protection on costs.
- **Animal Licensing and Welfare** -This training will cover the basic elements of licensing but will focus more particularly upon investigation, evidence and enforcement in cases of suspected unlawful activities and also other animal welfare concerns.
- **CPN** -This training will cover the elements required for issue of CPW and CPN, tips on drafting and examples of typical scenarios. It will cover aspects of third-party liability (premises related, support or encouragement) reasonable expectations, and wording. The training will also cover case precedent, handling appeals and actions in relation to breach.
- **Criminal Investigation and Enforcement** -This training will provide a general anatomy of evidence gathering, use of statutory powers, PACE, RIPA, case management, disclosure and eventual prosecution.
- **Statutory Nuisance** -This training will cover both the basic identification of, and the processes involved in dealing with, statutory nuisance. Tips will be given on the drafting of notices and the appeals process. In particular, this training will also update officers on the substantial changes in understanding of both common law and statutory nuisance brought about by the Supreme Court in 2014 and the further implications brought about by the Anti-social Behaviour Crime and Policing Act 2014.

- **ASB and Neighbourhood Nuisance** – This training will focus upon general matters of nuisance and complaint concerning residential neighbourhoods, such as waste, vehicular nuisance, animal and noise complaints, combining generic ASB powers, with a focus upon CPN, together with waste and environmental crime solutions.
- **Effectively Tackling ASB** – This training will look at which ASB tools are most effective for local authorities and landlords?

WASTE SERVICES

Fly tipping EPA 1990, Littering s.87 EPA 1990

In 2019 a new Technical Officer was employed within the Street Scene Team to aid the Street Scene Officer with taking a more proactive, proportionate and consistent approach to dealing with fly tipping and littering issues across the district. Within 3 months a new 3 staged warning enforcement process was implemented in line with the authorities 4 E's (Engage, Explain, Educate, Enforce) approach to dealing with enforcement. Over 50 stage one warnings for fly tipping/waste related issues have since been issued with no repeat offenders indicating effectiveness of the 4Es approach.

The introduction of a new fly tipping FPN will also be a useful tool in the arsenal for tackling fly tipping issues as/when required. The fine is set at £400 which is the maximum penalty and we hope this sends a strong message to potential offenders and in turn will deter offences from being committed. It also shows this authority is taking this issue seriously and is willing to invest time and resources to tackling this high profile problem.

Dog Enforcement

This authority has a statutory obligation to provide a stray dog collection and kennelling service, this responsibility moved from the Police to the Local Authority control in 2005. (S.68, Clean Neighbourhoods and Environments Act 2005) The Waste team has successfully continued to provide this service despite recently operating with only one dog warden while one of the post holders was seconded to the Community Ambassadors' team.

Please see below the statistics of collected dogs since 2017

Year	Seized	Collected	Re-homed
2017	123	74	46
2018	82	45	33
2019	75	45	25
2020	23	17	6

On a daily basis the dog warden pro-actively patrols the district and will engage with members of the public and offer verbal advice where required. Under the S.4 OF The Dog Fouling of Land Act 1996 the Dog Warden can issue a FPN for failing to remove dog waste and this carries a fine of £75. With the imminent implementation of the new FPNs and whilst adhering to the 4 E's approach this will offer a new level of enforcement for the dog warden.

The dog warden has also been liaising with outside agencies including the RSPCA and Essex Police and has already attended joint welfare visits and community engagement days throughout the district.

Abandoned Vehicles Refuse Disposal and Amenity Act 1978 s.3

The local authority has a duty under the Refuse Disposal (Amenity) Act 1978 to remove any vehicle abandoned on land in the open air or land forming part of a highway. If the land on which the abandoned vehicle is located is occupied, the local authority must give the owner 15 days' notice that they propose to remove the vehicle.

Over the last 12 months dated between 20th October 2020 to date, we have dealt with approximately 170 potential abandoned vehicles.

Our strict policy ensures a consistent approach and the appropriate use of an external DVLA registered keeper system is paramount to our operating capabilities.

In line with our 4Es approach the aspiration is to encourage owners of potentially abandoned vehicles to remove or deal with them. Ultimately, where removal notices are served, the disposal responsibility is enforced by forwarding to or abandoned vehicle contractor.

Environmental Protection

The Environmental Protection service covers a wide remit of regulatory activity including noise nuisance, situations prejudicial to health, filthy and verminous premises, pests, contaminated land and permitting of polluting processes. The service works in accordance with several pieces of legislation along with the Environmental Services Enforcement Policy.

All the services enforcement is progressive and most service requests require actions by way of letters, phone calls and visits. The majority of the enforcement is carried out in this way and only when there are no other options are formal notices served. Very rarely is it necessary to take a prosecution due to non-compliance. As an alternative to prosecution works in default is used as a quicker alternative that actually brings about remedial action.

The service works with other council services where appropriate such as Licensing and Private Sector Housing. Additionally there is engagement with external agencies such as the Environment Agency and ECC Social Care.

The following figures provide an indication of the level of activity undertaken by the service:

	1/1/16- 21/12/16	1/1/17- 31/12/17	1/1/18 – 31/12/18	1/1/19 – 31/12/19	1/1/20 – 31/12/20	1/1/21 – 31/12/21
Service Requests	1227	1076	1031	997	1133	1157
Notices	37	21	15	14	7	13
Works in Default	unknown	4	6	3	3	2
Court	unknown	1	0	1	1	0

The above figures include all elements of nuisance (such as noise, odour, smoke, and rubbish accumulations), filthy and/or verminous properties, complaints of pests, planning and Licensing. The above figures do not include responses to direct questions, e-mails and actions that officers receive by way of referrals from other departments such as the Customer Contact Centre, Planning, Waste, ASB or Jaywick Wardens.

Environmental Permitted Processes

The services issues permits to 38 different sites under the environmental permitting regulations. This number has remained stable for the last few years. Officers are required to carry out annual inspections on all sites including additional visits when a variation is received, a complaint is received or the site is considered a high risk based on the last visit. We are also required to visit to chase up annual fees. These visits have been limited over the last 2 years due to the pandemic and staff resources require on other duties.

Private Water Supplies

The service regulates 137 private water supplies. These are risk assessed and depending on the level of risk to health there may be requirement to test 4 x per year on the higher risk systems.

Other duties and enforcement

We have 446 identified areas of potential contaminated land. These are only explored in further detail should they be the subject of a planning application?

Private Sector Housing

The Private Sector Housing service regulates housing conditions in the owner occupied and privately rented housing in the district. This includes the licensing of mobile home sites and houses in multiple occupation (HMOs). The service predominantly operates in accordance with the Housing Act 2004 and the following policies:

- Private Sector Housing Enforcement Policy
- Civil Penalties Policy
- Smoke & Carbon Monoxide Policy
- Mobile Home Site Fees policy
- HMO Policy

The majority of investigations are concluded without the need for formal enforcement action. The team aims to work with landlords to ensure compliance but will take enforcement action were it is necessary and appropriate.

Increasingly the service is called upon to provide help to vulnerable residents in the district, with mental health concerns often at the forefront. The service works with other council services and external agencies such as Essex Fire & Rescue, Essex Police, Mental Health services, ECC Adult Social Care. The priority is always to safeguard the health of residents.

The following figures provide an indication of the level of enforcement work undertaken by the service:

- ❖ The number of landlords prosecuted by the council: 0 for all years
- ❖ The number of complaints the council received about private rented properties:
2018/19 - 155
2019/20 - 164
2020/21 – 90

- ❖ The number of civil penalty notices issued against a landlord or letting agent as well as the total annual sum of the fines. Fines awarded via tribunal in 19/20 - £70,500.00.
- ❖ The total number of formal enforcement notices served: Hazard Awareness Notices served on private rented sector (PRS) properties.
 - 2018/19 – 4
 - 2019/20 - 2
 - 2020/21 - 0
- ❖ How many improvement notices have been served in relation to Category 1 and/or Category 2 hazards on PRS properties?
 - Improvement Notices for both Cat 1 & Cat 2 Hazards
 - 2018/19 – 8
 - 2019/20 – 9
 - 2020/21 – 4
 - Improvement Notices for Cat 1's only
 - 2018/19 – 6
 - 2019/20 – 7
 - 2020/21 – 4
- ❖ The total number of formal enforcement notices served: Overcrowding Notice (Housing Act 2004 Part 2) on properties in the PRS.
 - 0 for all years
- ❖ The total number of formal enforcement notices served: Prohibition Orders served on PRS properties
 - Prohibition Orders for each year
 - 2018/19 – 5
 - 2019/20 – 12
 - 2020/21 – 7

Food Safety, Health & Safety, Animal & Beauty Licensing

This team is responsible for the regulation of businesses in the district and the investigation of accidents and infectious diseases.

The food safety and standards work undertaken by the team is regulated by the Food Standards Agency (FSA) and the team is required to have a Food Safety Service Plan. Due to the impacts of the COVID-19 pandemic on food inspections nationally the service is currently working in accordance with the FSA Local Authority Recovery Plan that sets out a plan through to March 2023 for the inspection of food businesses. Over 300 new businesses started up during the pandemic.

The team also regulates certain licensable activity including beauty treatments and animal establishments such as dog/cat boarding kennels and pet shops. Animal licensing was subject to significant legislative changes and increased regulation a few years ago.

Formal enforcement action is always a last resort after informal or voluntary action has not resulted in compliance. Almost all inspections will be followed up with recommendations for improvement. The aim is to work with businesses and this supports the Council's Back to Business Initiative.

The table below provides a flavour of the volume of work undertaken:

Business Types/No	Visits annually	Enforcement
All food businesses approx. average. 1200 in total	550 on a risk based approach Approx. 70 complaints are also investigated, these are food complaint or premises complaints	16 Food Safety notice during 2020/21
Health and Safety	All food businesses are looked at for H&S in line with food inspection, approx. 30 RIDDOR reports are investigated along with 20 H&S complaints	This year 1 prohibition notice served on a night club who opened during Covid
Cat and dog boarding establishments	14	Licenses are issued in line with the businesses star ratings and conditions attached. If there is non-compliance a license is not issued. To date we have not had to refuse a license and no enforcement action has taken place. All are visited annually for their license - 50 visits plus others for checks and support so the total is approx. 90 visits per annum
Dog Breeders	4	
Day Care for dogs	1	
Home Boarding	12	
Pet Shops	9	
Riding establishments	6	
Exhibiting animals	3	
Dangerous Wild Animal License	0	
Zoo	1	
Tattooing/skin piercing	120	All are visited annually. No formal action taken

Tenancy Management and Rents

The Tenancy Management and Rents service manages the tenancies of the Council's over 3,000 homes and 350 garages. This includes 250 blocks of flats. The work includes the enforcement of tenancy conditions and the collection of rent.

The service is signed up to the Anti-Social Behaviour (ASB) Charter for landlords. This demonstrates a commitment to provide a high standard of service for dealing with ASB through seven core commitments including - Prevention, Early intervention, Being accessible, Being accountable and working with victims. The Charter provides guidance on how to categorise complaints.

Tenancy Management: In 2020 89 Notices to Quit/ Notice of Seeking Possession for breaches of tenancy were served. For reasons of a mixture of fraud, abandonment, non-

occupation, gas servicing non access, ASB and drugs.

In 2021 64 Notices to Quit/ Notice of Seeking Possession to date for breaches of tenancy have so far been served. There are several levels of warning/ final warnings before notices are served. It really is a last resort.

49 properties have been recovered in the last 3.5 years where we have proven sub-let / non occupancy. The Council's Fraud team have used their powers to fact find, then we have applied tenancy conditions and recovered the properties through a mixture of Court hearings and the tenants voluntarily giving the keys up (to avoid them a Court hearing / costs). This is nearly two properties a month.

Evictions were reduced in 2020 & 2021 due to COVID. 2019 gives a good idea of the norm when 19 took place and this is a typical figure.

The service contributes to the detection and prevention of financial fraud in our housing stock. This is where tenants are illegally claiming i.e. single person Council Tax discount or benefits when they are working, etc... Whilst not necessarily a breach of tenancy it is financial fraud that is then picked up by the Council's Fraud Team.

Notices for rent arrears. Prior to COVID notice was served after approx. 6-8 weeks arrears. COVID legislation moved this to 6 months' worth of arrears before we could action. We serve on average 5-7 notices a month for rent arrears.

The table below provides an indication of the level of ASB complaints that are received and investigated each year.

	Up to 30.06.2021	2020	2019
ASB Types			
Abandoned Cars	0	4	2
Alcohol Related Nuisance	0	2	1
Communal Areas	37	87	63
Communal Cleaning	4	4	9
Criminal Behaviour / Crime	8	16	11
Domestic Abuse	5	3	1
Drug/Substance Misuse & Dealing	6	31	12
Garden Nuisance	43	81	106
Hate Crime	0	3	2
Noise	65	149	147
Non Occupancy & Tenancy Fraud	24	33	36
Pets and Animal Nuisance	13	26	37
Physical Violence	0	3	0
Prostitution	0	1	0
Rubbish	88	141	95
Vandalism & Damage to Property	14	25	33
Vehicle Nuisance	15	31	31
Verbal Abuse	20	60	65

TOTAL	342	700	651
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LICENSING

The Licensing section works under a framework of statute and Council policy, these are:

- **Licensing Enforcement Policy** – Provides all regulatory activities by the Licensing Section will be conducted in a way that is transparent, accountable, proportionate and consistent. Activities will, so far as possible, be targeted only at cases in which action is needed.
- **Licensing Policy** – Provides how the council acting in its capacity as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that local residents, businesses, visitors to the District and local communities need and expect. References in this Statement of Licensing Policy to the Licensing Act 2003 are references to the Act as amended.
- **Licensing Act 2003** – Provides clear transparent framework and making decisions on individuals and premises wishing to sell or supply alcohol, regulated entertainment and late night refreshment.
- **Local Government (Misc Prov) Act 1976 / 1982, Local Government Act 2000/1972, Road Safety Act 2006, Town Police Clauses Act 1847 / 1889** - Provides transparent framework and making decisions on Hackney Carriage and Private Hire Drivers / Vehicle licensing which includes being fit and proper.
- **Police and Criminal Evidence Act 1984** – PACE interviews - Questioning of licence/permit holders and other persons will be carried out as a formal interview where there is suspected involvement in criminal offences. All interviews shall be conducted with regard to the above Act and associated Codes of Practice.

Officers work jointly with a number of teams throughout the Council including the noise pollution team and ambassadors. This identifies if a department has had any correspondence with a premises which could potentially fall into remits of other expertise.

As part of the joint working, licensing work with Essex Police on a monthly basis where a number of licensed premises are inspected in the evening / weekend. This identifies how busy the premises are, gives the opportunity to speak with the management and see how they are running the premises.

Joint visits with the police and the noise pollution team are also used when applications come in for a premises that need further assistance on how they are operating. For example if the responsible authorities disagree with a condition, mediation will be used to try and resolve the issue before going to review.

Premises

The joint work that the Licencing team undertakes with Essex Police falls under Operation Benison. This Operation has a target (set by Essex Police) of visiting 10 licensed premises every month offering advices and guidance with the aim of reducing the number of CPNs or License reviews that need to be undertaken.

During the pandemic (2020 and 2021) the Operation Benison checks were temporarily suspended, however licensing staff undertook covid checks with ambassadors. Our records show that 241 premises were visited. During the checks 168 premises were closed as per covid requirements, 35 premises were open but no advice was needed as they were adhering to all requirements, 12 premises received advice regarding the use of

marquees (how much should be open and where it can be placed), 6 premises were given licensing advice regarding the licences being displayed and the noise levels emitting from the premises, 20 premises were given advice regarding covid measures (risk assessments, QR codes, social distancing).

Since 2017, 7 premises have been called to Committee for Members to determine a review application submitted.

Essex Police supported by the Immigration Authority submitted 4 reviews against premises who were found to be employing persons who had no rights to stay or work within the UK. These resulted in the licence holder and designated premises supervisor to be removed from the licence and the licence to be transferred to a different person.

There have been 2 premises reviews submitted by Essex Police during the pandemic. The 1st premises, since the relaxation of the covid lockdown rules they have breached the licensing objectives for crime and disorder and public nuisance on numerous occasions resulting in calls to the police and the disruption of neighbours. This licence was suspended and the designated premises supervisor removed. The 2nd premises was a breach of the Health Protection (Coronavirus Restrictions) (No2) (England) Regulations 2020 where the premises was found by the police to be operating as a nightclub/venue providing music and dancing. This resulted in the licence being suspended for a fixed period.

There has also been 1 review submitted by Essex Police for the breach of crime and disorder whereby the members of staff and those involved with the management of the premises were being investigated by the Police for GBH on a member of the public. This licence was originally suspended, however the licence holders have appealed the decision and an appeal is still in progress.

Taxi Drivers

Between 2017 and 2021, 11 newsletters have been sent to licensed taxi drivers containing information to ensure they are kept aware of any forthcoming changes such as changes to the Equality Act involving wheelchair accessible vehicles, changes to the Immigration Act, request for a fare tariff increase, changes to the policy regarding MPV's.

The newsletters also included reminders to drivers of their responsibilities following complaints received from members of the public and also observations made by the Licensing Team such as the need for them to notify the team when they receive any convictions (motoring or criminal), that smoking is not permitted in taxis at any time and the importance of them submitting documentation at the required times.

During the pandemic these newsletters also included advice on how to keep themselves and their passengers safe whilst working, the financial help that was available to them and the changes to MOT rules and medicals.

Since 2017 there has been the need for 17 drivers to attend the Licensing Miscellaneous Sub-Committee, the reasons for these have varied from non-disclosure of motoring offences which have shown up when officers have conducted the routine checks as part of the application process to requests from drivers to temporarily suspend their licences due to ill health.

These decisions were not able to be made by officers as they do not have the relevant authority to deal with these issues. These were determined by Members of the Committee and those whose licences/requests were granted have had no reason to attend again

since.

There have been 2 drivers to date whose licences have been reviewed following information received from the Police regarding crimes that have been committed these have included drug offences and sexual assault on a minor. Members determined that these drivers licences should be revoked.

PLANNING ENFORCEMENT

The Planning Enforcement function of the Council undertakes pro-active monitoring of development on large residential developments with regular visits to check for compliance with planning conditions and legal obligations at different stages of development – this involves regular liaison between Officers, the developers and their site managers. Enforcement action against unauthorised development on other sites, including breaches of planning conditions (which can cover an extremely wide range of sites and issues) is generally undertaken in a more reactive manner in response to complaints from members of the public, Councillors or other interested parties. Enforcement of planning control is a discretionary function of the Council and it is not always expedient, or in the public interest to pursue every case through to formal enforcement action or prosecution.

Planning Enforcement falls under the Town and Country Planning Act 1990 in terms of the legislation which supports any required action. Serving of an enforcement notice falls under section 172 of the act. Section 215 notices requiring the clearance and tidying of land or buildings also falls within this legislation. The content of adopted or emerging Local Plans, along with the National Planning Policy Framework is also critical in determining whether planning enforcement action should be taken.

In line with the Council's current Enforcement policy, which is due to be updated this financial year, complaints are logged and investigated to determine whether or not, in fact, there has been a breach of the planning rules. In cases where a breach is found, the starting point is to inform the property owners of the breach and to advise them to apply for the relevant consent (normally planning permission) in order for the development to be properly considered through the planning process and potentially regularised – rather than proceeding straight away to more formal or even legal action.

The type and scale of enforcement cases dealt with by the Council varies significantly ranging from perhaps the unauthorised erection of a boundary fence to the unauthorised development of land or buildings. In the past 12 months 374 enforcement cases have been opened or reported with the majority of cases closed or dealt with relatively quickly. In most cases individuals seek compliance with the remedy as required by the enforcement team – this may be by ceasing the unauthorised use or submission of a planning application to formalise the use or works. As such the need to serve formal enforcement notices as a result is relatively low. Just five formal enforcement notices have been served where the need for formal action has been required.

To help ensure any action is proportionate and represents an efficient use of the resources available in what is a small team, Officers when assessing an alleged breach will undertake a 'Harm' assessment. The Harm assessment is a preliminary assessment of the breach against a set of criteria to determine the severity of the breach and the likelihood of planning permission being granted if an application were to be submitted.

The finding of the Harm assessment will help to determine whether or not it would be expedient to carry out further formal action in the event that the breach remained

unresolved. Often the request for an application does resolve the issues at hand and avoids the need for further formal action. The Harm assessment itself is in the process of being updated and improved to ensure that enforcement cases are being dealt with in a consistent manner and appropriate outcomes achieved.

In some circumstances where an unlawful and harmful development is operating or in progress, it may be expedient to stop activity on a site and the Council can issue a 'stop notice' demanding that activities cease whilst further investigation is undertaken. In extreme cases, the Council can apply to the courts to take out a legal injunction requiring a halt to activities – but these cases are rare, the courts are not always willing to agree to an injunction and the resource implications are high. In other cases, the Council can serve a formal enforcement notice requiring an unlawful activity to cease within a certain number of days – or face the possibility of legal prosecution. In these cases, the owner does have the right to appeal against an enforcement notice and these cases will be considered by the Planning Inspectorate and the resolution will either be to quash or uphold the notice – a process that can result in cost and delay.

BENEFIT ENFORCEMENT

The Council is not responsible for investigating Housing Benefit Fraud as this is now undertaken directly by the DWP's Single Fraud Investigation Unit. If the Council became aware of possible fraud as part of its own fraud and compliance work, it would refer the necessary details onto the DWP.

If the right criteria is met, the Council can undertake joint investigations with DWP – however this is not currently possible following the DWP still working towards business as usual following the pandemic.

However the Council does take a proactive compliance approach by 'correcting' claims for housing benefit where there is evidence to do so.

In terms of claims for support under the LCTS Scheme, this is a discount rather than an award of benefit and similar to the above, the focus leans more towards compliance rather than formal fraud investigations to balance cost / benefit considerations.

Business Rates Recovery

In respect pursuing unpaid Business Rates, this is set out in associated regulations, which covers the issuing of demand notices, reminders, summonses, obtaining liability orders and associated enforcement activities. There are 3 separate scenarios leading to the issue of a summons depending whether the customer makes payment and maintains ongoing payment.

Scenario 1

- Demand Notice
- Reminder Notice - Instalment not being paid within 7 days of the date it fell due
- Summons - If the balance on the Reminder Notice is not settled within 7 days of the date of issue of the reminder

Scenario 2

- Demand Notice
- Reminder Notice - Instalment not being paid within 7 days of the date it fell due
- 2nd Reminder – If the balance is paid on the Reminder Notice and the instalments

fall into arrears thereafter, a 2nd Reminder Notice is issued

- Summons - If the balance on the 2nd Reminder Notice is not settled within 7 days of the date of issue of the reminder

Scenario 3

- Demand Notice
- Reminder Notice - Instalment not being paid within 7 days of the date it fell due
- 2nd Reminder – If the balance is paid on the Reminder Notice and the instalments fall into arrears thereafter, a 2nd Reminder Notice is issued
- Final Notice - If the balance is paid on the 2nd Reminder Notice and the instalments fall into arrears thereafter, a Final Notice is issued which cancels the right to pay by instalments and requires the balance remaining for the year to be settled
- Summons - If the balance on the Final Notice is not settled within 7 days of the date of issue of the Final Notice a summons is issued

After the issue of a summons;

- Liability Order – once a summons has been issued the Council will attend court on a date set to obtain a Liability O
- rder at the hearing
- 7 Day letter – once a liability order has been granted a 7 day letter is issued to the customer informing them that the Council is in possession of a Liability Order and that they have 7 days to make contact to discuss payment arrangement
- After the 7 days the Council has limited remedies open for collection, issue the Liability Order to the Councils Enforcement Agent or Insolvency
- The Council will always look where possible to engage with the customer to facilitate payment arrangements and offer where possible arrangements to settle accounts in year, but will offer flexible arrangements to go over into a new year where necessary.

RECOMMENDATION

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

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

1 NOVEMBER 2021

REPORT OF PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACES

A.2 WASTE AND RECYCLING SERVICE

(Report prepared by [Jonathan Hamlet])

PURPOSE OF THE REPORT

Bring Sites, Public litter bins, A120 transfer site and recycling levels within Tendring.

INVITEES

Councillor Michael Talbot Portfolio Holder for Environment and public spaces and Andy White, assistant director who will be in attendance to answer questions.

BACKGROUND

Information requested on the following topics:

Litter along the A120 connected to the waste transfer station.

The provision of public litter bins.

The utilisation and optimisation of bring sites.

Progress in increasing recycling levels.

DETAILED INFORMATION

1. A120 Transfer station and litter

All vehicles associated with the ECC transfer site are sheeted to secure their load and ECC continue to monitor vehicles and welcome any information relating to witnessed incidents where materials from vehicles contracted to this facility are contributing to litter along the A120. It must be noted that other commercial vehicles not associated to the ECC transfer site utilise the entrance/exit lanes for this facility to access sites in Ardleigh and this section of A120 is also used by a magnitude of commercial waste carriers.

Officers monitor the carriage way for cleanliness with laybys along the A120 litter picked on a weekly basis to help reduce the amount of windblown litter ending up along the verges and carriageway and to remove any fly tipped materials. The verges are litter picked four times per annum and the scheduling coincides so that the works are carried out before the start of the main summer period. Additionally the central reservation between the Frating/Clacton junction upto the Frating car auction roundabout is litter picked once per annum again these works are carried out before the start of the main summer season to provide a high level of cleanliness. The resultant scheduled cleaning of the A120 verges, laybys and central reservation helps to promote a positive impact upon the residents of and visitors to the Tendring district.

2. Provision of public litter bins

Currently a total of 1100 litter bins, 150 seasonal litter bins, 280 dog waste bins and 40 special event litter bins.

Emptying schedule varies from once per week upto twice per day and relates to footfall and associated demand (Town centres and seafronts are the higher demand).

Seafront locations are serviced twice daily during the summer (Easter to September) and then twice weekly remainder of the year.

2021 saw the introduction of “blue” seafront bins, at 340L capacity these are 100L larger than the previous 240L bins equating to an extra 15,000 Litres capacity or equivalent to an extra 62 x 240L bins. With a capital outlay of £7000 (£35 per bin) but following negotiations with Veolia no additional service costs (contract stipulates 240L bin) were borne by the authority. These bins were introduced to reflect the increased visitor numbers expected to the district.

During the summer period (Easter to September) an additional 150 bins are installed along the seafronts and were serviced twice daily, seven days a week as a direct response to COVID and anticipated increased visitors to the seafronts. Contractually this number then decreases during the winter period. Both installation and removal process are monitored to assist in correct number of bins being installed/removed.

Annual budget for litter bins procurement is £14,910. With floor mounted litter bins (110L capacity) costing between £300 and £390

each. The team continues with the long term project of where the impact will be positive and justified, replacing smaller post bins and dog bins (both 45L capacity) with larger floor mounted litter bins and so increasing capacity to the area along with improving the street scene.

Changing the type of bin has no impact upon the contract cost.

This budget also used to repair or replace broken, damaged, vandalised or even missing bins reported to us by contractor, public or through inspections utilising the authorities engineering team to carry out the works and reduces installation costs compared to previous use of sub contractor

Members of the public and the contractor enquire to possible locations for additional bins; These are logged and passed on to the Officer to monitor the area over a period of time to establish if, at the taxpayers expense there is a need for a waste receptacle to be installed.

It must be noted that the current contract (2012) had a set number of litter/dog bins and the contract allows the authority to install up to an additional 10% of bins based on this number at NIL cost to the contract. Once this figure is passed then the associated servicing costs will be applied to each additional installation with costs ranging from £79 (twice weekly) to £480 (twice daily) per bin per year. Currently the additional bin installation is at approximately 7.5% with 5 years left on the current contract.

Page 39

2. Bring Sites

The authority has 80 sights across the district, located in supermarkets, car parks and village Halls. Residents can access information of their nearest or most convenient site through our website which offers a easy to use table or a search engine tool to locate sites.

Glass is offered at all the sites with the larger bring sites also offering textiles, paper, tetrapak and books.

New signage has been introduced to the glass banks, directing users to the correct bank which will increase capacity whilst also informing them that materials left on the ground will not be recycled and treated as fly tipping. To supplement this message new No Flytipping signage has been designed and introduced at identified sights.

The larger supermarket sites are typically cleaned on a three times per week schedule with other sites cleaned on demand as and when reports of cleanliness are reported by members of the public, members, contractors or through Officer inspections.

Glass tonnage is recorded for all sites and below is an indication of the top ten sites

Site	Aug-20	Oct-20	Nov-20	Dec-20	Feb-21	Mar-21	Apr-21	May-21	Jul-21	Aug-21	TOTAL Kg per month
Manningtree Fiveways Superstore	18876	19055	185785	21448	22027	26450	24403	21466	N/A	22128	40182
Clacton Tesco	22992	16545	164410	25890	23338	24031	22923	22036	27187	14901	36425
Frinton Triangle Shopping Area	21897	18454	163710	19043	20819	25263	24795	18813	25716	16703	35521
Clacton Morrisons	20399	14041	159017	23525	16900	22600	23645	18706	17578	13220	32963
Harwich Morrisons	20641	14348	162421	20143	10507	18810	N/A	13909	15937	15925	32516
Brightlingsea Fiveways Store	16526	11675	141085	13565	3955	26436	N/A	13616	19048	11905	28646
Clacton Waterglade Retail Park	12356	11296	114133	12836	14442	16745	14887	10186	11842	11384	23011
Holland On Sea Ipswich Rd CP	11012	7312	95787	N/A	8414	N/A	8972	7242	9695	7214	19456
Clacton Scout HQ	6244	3373	58003	4734	5311	6015	4446	4184	4567	8510	10539
Thorpe Le Soken Scout Hut	6607	4130	21317	3518	3674	5984	6099	4773	5237	6434	6777

A number of sites are just a single glass bank in a pub carpark, which whilst only attract small tonnage, provide an invaluable access for the local residents to recycle glass.

The Recycling Officer is currently working on the additional provision of tetra pak banks across the district with 6 key sites identified as suitable based on both footfall/demand, geographical location along with site capacity to house an additional bank. Sites identified include Alresford, Gt Bentley, Harwich, Walton, Little Clacton and Manningtree. Whilst the bank installations and on going service costs associated with tetrabanks are greater than revenue received through recycling credits, increasing the scope of recycling this complex material supports the authorities vision to increase recycling.

Along with ASDA in Clacton where glass banks were recently re-introduced the Recycling Officer has also identified and worked with Ardleigh PC to arrange for glass banks to be installed in the PC car park, providing a key location for glass recycling in this area.

The vast majority of bring sites are located on land which is under private ownership, the authority works closely with the landowners to ensure that the sites can remain viable for the bring sites but this can be challenging and to increase the number of banks at many of

the sites is either physically not possible or is not granted permission.

Progress with Increasing Recycling rates

Defra/WDF data published March 2021 for latest period 2019/20 indicates the following data (source letsrecycle) for a number of authorities in East Anglia/Essex.

Authority	Recycling Rate %
Westminster City Council	20.4
Gt Yarmouth	30.0
Thurrock	34.8
Tendring DC	35.1
Ipswich	35.1
Breckland Council	38.7
Norwich	39.4
Fenland	40.0
West Suffolk Council	40.1
North Norfolk Council	40.8
Harlow	41.1
Mid Suffolk DC	42.8
Suffolk County Council	43.6
Norfolk County Council	44.4
East Suffolk Council	45.2

TDC data for 2020/21 provisionally 40.93%

Aspiration is to concentrate resources on areas of low participation (Jaywick Sands, Bathside) with intensive resources required for door to door engagement, provision of recycling containers followed by on going monitoring and further engagement and encouragement with householders.

The authority continues on a weekly basis to deliver wheeled bins to new build properties along with householders moving house and finding that the previous occupier has taken the bin. These deliveries especially to the new build properties includes the delivery of recycling containers at the same time ensuring that the household can immediately participate in the recycling service.

Garden waste service: Unlike many other authorities where garden waste is provided to all households and thus results in greater tonnages contributing to the overall recycling rate Tendring is a subscription service. Working with Veolia we aim to improve the experience of customers subscribed to the garden waste service by reducing missed collections via the use of in-cab technology, the cost of which is being burdened of Veolia. Currently in the soft phase of release this technology will hopefully reduce the number of missed collections associated with new customers joining the service and assisted collection customers and ultimately assist in customer retention and attract further customers to the service. Since the introduction of the service in 2014 there are no over 18,000 customers.

Four year aspiration:

Environment Bill set to become legislation in late 2023, currently at consultation stage, the Bill aspiration is to provide consistency in collections across England with core materials to be collected at the kerbside by all authorities with these materials including glass, range of plastics, paper/card, cans, food and free garden waste service to all. Costs for implementation and on going service costs are to be supported by central government and DRS (Deposit return scheme). The deadline is ambitious (October 2023) and if the Bill is passed will require additional vehicles, containers, operatives, Officers and support staff to implement the new service.

Page 4

RECOMMENDATION

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

Agenda Item 3

Resources and Services Overview and Scrutiny Committee 1 November 2021

OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS

(Prepared by Keith Durran – forthcoming decisions published since 20/09/2021)

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

DESCRIPTION OF DECISION	KEY DECISION YES/NO	DECISION MAKER	Decision Due Date
On 16th February 2018 Cabinet agreed the next digital transformation programme. This report to Cabinet will outline the deliverables achieved and the analysis of those deliverables.	YES	Cabinet	12 NOV 2021
To approve the expenditure of £250,000 from the Back to Business Report to refurbish the Skate Park at Clacton Leisure Centre and to request a further £20,000 for additional works inclusive of CCTV, fencing and to upgrade the lighting.	YES	PfH Leisure and Tourism	5 NOV 2021
Grounds Maintenance Service. To enable Cabinet to decide whether suggest to Council that an amended motion be supported in relation to a motion submitted at the meeting of the Council held on 13 July 2021 by Cllr I Henderson	YES	Cabinet	12 NOV 2021

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

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

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Resources and Services Overview and Scrutiny Committee
1 November 2021

RECOMMENDATIONS MONITORING REPORT
(Prepared by Keith Durran)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<u>SCRUTINY OF THE SEAFRONT SERVICES</u> <u>RSOSC held on 15 July 2021 Minute 15 refers</u> The Committee Recommended to Cabinet that: (1) the resources available for the Housing Allocations Service of the Council be reviewed in order to ensure that it is able to deliver the rapid response and excellent customer service to those on the Housing Register, and those applying, and thereby contribute further to reducing the average time Council Homes remain untenanted by moving all paper work to a digital format. (2) while a selection of individuals on the Housing Register are waiting for adapted homes and we should rightly seek to achieve the best match, where possible, this should not be pursued to the extent that individual properties remain untenanted for long	To be reported to Cabinet on 12 November 2021	

<p>periods of time due to infrequent offers to those on the Register and in need of housing.</p> <p>(3) the temporary measures introduced in 2021 to control expenditure in year on improvements to void Council Homes be continued going forward (as such if the kitchen is functional and efficient to maintain it will not be replaced only for the reason of upgrading it).</p> <p>(4) the IT solutions for the separate sections of the Council dealing with Housing Allocations and Council Home repairs and maintenance be enhanced so that there is a shared resource that can support the council with a range of data that the current separate systems were unable assist efficiency of the Council as a whole.</p> <p>(5) a more active and purposeful approach be undertaken than at present in respect of the recharging of former tenants who had left items to be removed or otherwise in a condition requiring remedial/repair works and that these charges be linked from commencement with any debts for unpaid rents by those tenants in order to assist an efficient recovery process.</p> <p>(6) the current 14 month trail in respect of an in house team to undertake Council House repairs, be actively reviewed to ensure opportunities are taken during that trial, to support skills development and recruitment and retention measures enhancement</p>		
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<p>(including if appropriate market forces enhancements for certain specialist skills and attraction of those with relevant accreditation to work for the Council; maybe part-time).</p> <p>(7) the Portfolio Holder for Housing be encouraged to establish a Housing Working Party to continue the focus on Housing Voids and the issues considered in the enquiry by this Committee (including those reflected in these recommendations).</p> <p>(8) an appropriate Key Performance Indicators be developed around timescales for untenanted Council Homes to be offered and re-tenanted, the undertaking of repair/refurbishment of Council Homes and recovery of costs incurred due to the condition of properties once vacated by former tenants etc and shared with Councillors together with periodic detail of achievement against those Indicators.</p> <p>(9) proposals for a stock condition survey be drawn up and consider the benefits to the Council in identifying issues with the Council's Housing Stock and thereby assist it to improve its plan for expenditure through the Housing Revenue Account in the short, medium and longer term.</p>		
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SCRUTINY OF THE SEAFRONT SERVICES**RSOSC held on 20 September 2021 Minute 23 refers**

The Committee Recommended to Cabinet that:

- a) where observation reveals cliff slippages, all communication with Beach Hut Licensees in respect of Cliff Stabilisation and safety, is consistently shared with the relevant District Ward Councillors; and
- b) the undertaking of a survey of cliff vulnerability across the 26 kilometres of coast line for which this is responsible and beach levels in the 23 bays created in 2013/14 in the Clacton-on-Sea and Holland-on-Sea areas be undertaken as an imperative piece of work in the next few months and thereby address the concerns raised by the Committee on 22 June 2020 (Minute 62 refers) and on 21 September 2020 (Minute 85 refers).

To be reported to Cabinet on 12 November 2021

SCRUTINY OF THE SPORT AND LEISURE SERVICE**RSOSC held on 20 September 2021 Minute 22 refers**

The Committee Recommend to Cabinet:

to restate the Committee's request that an updated draft District-wide Leisure Strategy be brought forward as speedily as possible

To be reported to Cabinet on 12 November 2021

<p>for consultation and that the Strategy should seek to enable a fresh direction to the delivery of leisure facilities and address the issues facing the District; including encouraging people to progress from being fairly active to active and from inactive to fairly active and the provision for those with disabilities.</p>		
<p><u>USE OF SECTION 106 MONIES</u></p> <p><u>RSOSC held on 15 July 2021 Minute 16 refers</u></p> <p>After a detailed discussion the Committee RESOLVED:</p> <ol style="list-style-type: none"> 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 pParish 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 	<p>Cabinet on 8 October 2021 (Minutes 61 refers)</p> <p>“Cabinet had before it the response of the Portfolio Holder for Corporate Finance & Governance thereto which was as follows:-</p> <p><i>“Taking each point in turn, my comments are as follows:</i></p> <ol style="list-style-type: none"> 1) <i>Agreed - This will be reflected in future decision making processes, where the views of the ward councillor will be required before the associated decision can be finalised and published.</i> 2) <i>Existing processes already provide a proportionate response to the issue raised, as the information is published on the Council’s website where Town and Parish Council can access it on a self-service basis rather than having to introduce a further layer of unnecessary administration. However we can consider further sign-posting support / opportunities in future.</i> 	

<p>'Clacton' so as to improve the understanding of the figures shown for that area.</p> <p>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:</p> <ul style="list-style-type: none"> • Public open space • Affordable Housing • Education • Highways • Town centre Improvements • Health <p>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.</p>	<p>3) & 5) <i>Agreed – both points raised will be addressed via the associated review by the S151 officer.</i></p> <p>4) <i>Similar to the response to point 2) above, existing processes already provide this information which will be enhanced in future years by the commitments made above."</i></p> <p>Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee, together with the response thereto of the Portfolio Holder for Corporate Finance & Governance:-</p> <p>It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:-</p> <p>RESOLVED that the recommendations made by the Resources & Services Overview and Scrutiny Committee be noted and that the response of the Corporate Finance & Governance Portfolio Holder in response thereto be endorsed".</p>	
<p><u>TOURISM STRATEGY FOR TENDRING</u></p> <p><u>RSOSC held on 24 May 2021 Minute 6 refers</u></p> <p>The Committee RESOLVED to Recommend Cabinet:</p> <ul style="list-style-type: none"> • To consider the opportunities for working in partnership with local businesses prioritising such services as hotels/bed and breakfast 	<p>Cabinet on 17 September 2021 (Minutes 38 refers)</p> <p>"Cabinet had before it the response of the Portfolio Holder for Leisure & Tourism thereto which was as follows:-</p> <p><i>"I would like to thank the Committee for its views and where possible, suggestions will be built into the work programme for the delivery of the strategy. Further to this, I</i></p>	

<p>operators to encourage visitors participating/attending or visiting events in the District to stay locally and use the services of those local businesses (Potentially with discounts offered by those businesses).</p> <ul style="list-style-type: none"> • To harness opportunities to those attracted to specific places/events locally to be supported to revisit by sharing other places/events locally including those using the book of Holland Ferry, creating a dedicated visit Tending website with the separate charms of the District can be brought together, using QR codes to encourage visits to such a website and to local heritage sites. • To take additional measures to improve the cleanliness of the District including messaging around “Respecting the district by using the area responsibly” through education encouragement and enforcement to ensure visitors are encouraged back rather than being putt-off by unsightly rubbish and over full bins. • To consider again the previous recommendation (minute 87 of 21 September 2020 refers) for consistent and common, highly visible branding of events and facilities provided/supported by the council to ensure that those attending those events/facilities are made aware of the Councils role in producing/supporting the same. 	<p><i>would suggest the Committee set up task and finish groups to look in detail at how some of the suggestions could be delivered in practice. In particular, the carbon offsetting of the Clacton Airshow and how further improvements can be made to improve cleanliness. I look forward to seeing the results of the in-depth scrutiny by the Committee in these areas and welcome further thorough scrutiny that results in an improved strategy.”</i></p> <p>Having considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee, together with the response thereto of the Portfolio Holder for Leisure & Tourism:-</p> <p>It was moved by Councillor Porter, seconded by Councillor G V Guglielmi and:-</p> <p>RESOLVED that the Resources & Services Overview and Scrutiny Committee be thanked for the views submitted and that the comments of the Portfolio Holder in response thereto be endorsed”.</p>	
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<ul style="list-style-type: none">• To examine measures to offset the carbon footprint of the Clacton Air Show, which uses over 100,000 litres of Jet Fuel and generates 275 tonnes of CO2, including the options perused by the Bournemouth Air Festival whereby trees were planted for each tonne of carbon used at the Air Show.• To note the intention of the Portfolio Holder for Economic Growth and Leisure to consider promoting details of bridleways that traverse the District.		
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