



CABINET

DATE: Friday, 25 February 2022
TIME: 11.00 am
VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea,
CO15 1SE

MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Deputy Leader; Corporate Finance & Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Partnerships Portfolio Holder
Councillor Newton	- Business & Economic Growth Portfolio Holder
Councillor Porter	- Leisure & Tourism Portfolio Holder
Councillor Talbot	- Environment & Public Space Portfolio Holder

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For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584; email: iford@tendringdc.gov.uk.

DATE OF PUBLICATION: THURSDAY, 17 FEBRUARY 2022

AGENDA

1 Apologies for Absence

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

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

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 28 January 2022.

3 Declarations of Interest

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

4 Announcements by the Leader of the Council

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

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council

There are none on this occasion.

7 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.1 - Scrutiny of the Housing Issues in the District - External Partners (Pages 19 - 20)

To enable the Cabinet to consider the recommendations made by the Community Leadership Overview & Scrutiny Committee following that Committee's scrutiny of the housing issues in the District involving external partners.

8 Leader of the Council's Items - A.2 - Highlight Priority Actions for 2022/23 and Monitoring Delivery of those Actions (Pages 21 - 58)

To receive the outcome of consultation with the public, partners and the two Overview and Scrutiny Committees on provisional highlight priority actions for 2022/23. Cabinet is then invited to determine its highlight priority actions for 2022/23 against which performance will be monitored and reported on in that year.

9 Leader of the Council's Items - A.3 - Principle of Disposal of Land for Access to adjoining Redevelopment via Housing Estate Land in Stourview Avenue, Mistley (Pages 59 - 64)

To consider, in principle, whether to dispose of land in Stourview Avenue, Mistley to provide access to an adjoining potential development.

10 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.4 - Annual Review of the Council's Constitution (Pages 65 - 154)

To request Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

11 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.5 - Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) (Pages 155 - 194)

To agree the Annual Capital and Treasury Strategy for 2021/22 (including Prudential and Treasury Indicators) for submission to Council on 29 March 2022, subject to consultation with the Resources and Services Overview Scrutiny Committee.

12 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.6 - Adoption of the Council's Statement of Gambling Policy (Pages 195 - 234)

To request that Cabinet considers the amended and updated draft Gambling Policy agreed by the Licensing and Registration Committee on 17 January 2022 and to recommend the Policy to the Full Council for adoption at its meeting due to be held on 29 March 2022.

13 Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Business & Economic Growth Portfolio Holder - A.7 - Back to Business and Corporate Investment Plan (Pages 235 - 258)

To update Cabinet on the success of the Back to Business Programme and seek agreement to move to a Corporate Investment Plan, with a focus on accelerated delivery.

14 Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - A.8 - Freehold Sale of a Residential Property in Harwich (Pages 259 - 264)

To seek approval, in principle, from Cabinet for the freehold sale of a five bedroom residential property in Harwich requiring substantial maintenance work.

15 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.9 - Financial Performance Report: In-Year Performance against the Budget at the end of the Third Quarter 2021/22 and Long-Term Financial Forecast Update (Pages 265 - 298)

To provide an overview of the Council's financial position against the budget as at the end of December 2021 and to present an updated long term forecast.

16 Management Team Items - Report of the Monitoring Officer - A.10 - Housing Ombudsman (Pages 299 - 300)

In accordance with the Council's Constitution (Article 12.03(a)), to report to Cabinet if any decision or omission relating to the exercise of an executive function has given rise to maladministration. This report concerns omissions that the Housing Ombudsman has determined were serious maladministration on the part of this Council.

17 Exclusion of Press and Public

The Cabinet is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 18 and 19 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.”

18 Leader of the Council's Items - B.1 - Terms for the Disposal of Land for Access to adjoining Redevelopment via Housing Estate Land in Stourview Avenue, Mistley (Pages 301 - 304)

To consider terms for the disposal of land in Stourview Avenue, Mistley in order to provide access to an adjoining potential development.

19 Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - B.2 - Terms for the Freehold Sale of a Residential Property in Harwich (Pages 305 - 316)

To approve the terms for the freehold sale of a residential property in Harwich.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 25 March 2022.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 18 and 19 are likely to be considered in private for the following reason:

The items detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Item 18 - Leader of the Council's Items - B.1 - Terms for the Disposal of Land for Access to adjoining Redevelopment via Housing Estate Land in Stourview Avenue, Mistley

Item 19 - Cabinet Members' Items - Joint Report of the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder - B.2 - Terms for the Freehold Sale of a Residential Property in Harwich

Information for Visitors

COMMITTEE ROOM FIRE EVACUATION PROCEDURE

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Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 28TH JANUARY, 2022 AT 10.30 AM
COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillor N R Stock OBE	Leader of the Council (Chairman)
	Councillor P B Honeywood	Portfolio Holder for Housing
	Councillor L A McWilliams	Portfolio Holder for Partnerships
	Councillor M C Newton	Portfolio Holder for Business & Economic Growth
	Councillor A O J Porter	Portfolio Holder for Leisure and Tourism
	Councillor M J Talbot	Portfolio Holder for Environment & Public Space

Group Leaders Present by Standing Invitation: Councillors E T Allen (Leader of the Tendring First Group), J B Chapman (Leader of the Independents Group), I J Henderson (Leader of the Labour Group), G G I Scott (Leader of the Liberal Democrats Group), M E Stephenson (Leader of the Tendring Independents Group) and C P Winfield (Leader of the Holland-on-Sea Group)

Also Present: Councillors A P H Baker and R A Wiggins (Deputy Leader of Liberal Democrats Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Matt Cattermole (Communications Assistant)

110. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor G V Guglielmi (the Deputy Leader of the Council and Portfolio Holder for Corporate Finance & Governance).

111. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 17 December 2021, be approved as a correct record and be signed by the Chairman.

112. DECLARATIONS OF INTEREST

There were no Declarations of Interest made on this occasion.

113. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements made by the Leader of the Council on this occasion.

114. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements made by the members of the Cabinet on this occasion.

115. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

116. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE UPDATED FINANCIAL FORECAST/BUDGET PROPOSALS 2022/23 AND HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2022/2023

Cabinet was aware that, at its meeting held on 12 January 2022 (Minute 50 referred), the Resources and Services Overview & Scrutiny Committee (“the Committee”), in accordance with the requirements of the Budget & Policy Framework Procedure Rules, had undertaken an enquiry into:-

- (1) the updated financial forecast and proposed budget position for 2022/23; and
- (2) the Housing Revenue Account (HRA) Budget for 2022/23 including the movement in HRA Balances, the level of fees and charges for 2021/22 and the HRA Capital Programme.

This enquiry had considered the above in the light of the Council’s Medium Term Financial Strategy and its Treasury Strategy.

The Committee’s enquiry had been assisted by the Leader of the Council and by individual Cabinet Members who had also outlined the Cabinet’s initial highlight priority actions for 2022/23 and the synergy of those with the proposed Budget for 2022/23. A number of officers had also supported the enquiry.

The enquiry had been conducted through a private evidence gathering stage on 5 January 2022 followed by a public meeting during the day of 12 January 2022.

After a detailed discussion the Committee had RECOMMENDED to Cabinet:-

“In respect of the financial forecast and proposed General Fund budget position for 2022/23

1. *That the issue of the level of carry forward amounts each year, as highlighted several times by the external auditors in their annual audit letters to the Council in recent years, be addressed urgently by the Cabinet.*
2. *That the intentions for developing a Corporate Investment Plan in order to establish a process for considering proposals for investment against the Corporate Plan Priorities and developing a prioritisation framework for investment over the coming year and into the medium term be welcomed and:*
 - a. *That the schemes set out in the current reserves, provisions and one-off sums be reassessed as part of that Corporate Investment Plan process in order to avoid sums of money being allocated for schemes that are no longer to be*

pursued and thereby hampering investment in schemes that can deliver real benefit to the District;

- b. That, further to (a) above, the approvals to establish a reserve for a Residents Free Parking Scheme (£221K in reserves) and to allocate funds for a Clacton Town Centre Fountain (£159K as a one-off sum) be reversed immediately (as they are not required/being pursued) and the sums reallocated to fund the posts of 6 Community Ambassadors, 4 Street Rangers and 1 Technical/Administration (at a total cost of £352K) for 2022/23 with the remaining £28K from the released funds being ring-fenced to support training, equipment and supplies costs associated with those posts in 2022/23.*
- c. That the Plan should identify a range of seafront enhancements, developed in conjunction with seaside communities (including where relevant Town/Parish Councils) on the basis that these are funded by an expansion of beach huts in those communities.*
- d. That the Plan should deliver on the intentions of the Public Conveniences Strategy by improvements in those continuing facilities (particularly in view of the saving of £72,200 from the Government's backdating of business rate relief to the start of 2020/21 and the absence of business rates on those facilities since the Strategy was adopted).*
- e. That the Plan clearly identifies how it will integrate with the priorities for investment through funding secured through the Community Infrastructure Levy (CIL) and the monitoring of the investment through that funding route.*
- 3. That progress with the procurement of the new cremators for the Weeley crematorium and the significant loss of income in 2021/22 and 2023 while the cremators are out of action, be monitored, very closely, and councillors and the public be kept informed about the process.*
- 4. That internal procurement processes be re-examined with a view to strengthen those processes and addressing the risk of failure by companies who are major suppliers to the Council (given recent example of the company maintaining the cremators and other examples in recent years).*
- 5. That the planned events for the platinum Jubilee and associated funding for them, be approved as a matter of urgency.*
- 6. That the problem of littering along the A120 be highlighted and the Council pursues with Essex County Council and Highways England, frequent cleaning of the road, and verges next to it, with waste bins that are suitable for the level of use be installed and maintained in the laybys between Ardleigh Crown and Harwich, so that this major route through the District is kept clean.*

In respect of the Housing Revenue Account 2022/23

- 1. That, in respect of the Housing Revenue Account, stretch targets be introduced for void levels given the impact on the budget in lost rental income and Council Tax (including the proposed surcharge for empty homes being introduced for 2022/23)*

and the demand for housing that could be met by bringing void homes back into rental.

2. *That the Council commences setting aside funds to meet the costs that will arise from the housing stock condition survey (albeit that the full extent of those sums is not yet known).*

In respect of the proposed highlight priorities for 2022/23

1. *That the Cabinet reassess its highlight priorities for 2022/23 and include in them, with appropriate budget and milestones or otherwise implement the following:*
 - a. *Progress with the various steps that will be part of the Stock Condition Survey to be undertaken in 2022/23 – in view of the important role the Council has as a major local landlord and the need to prepare for the implications of the Hackett review and revisions to the Decent Homes Standard.*
 - b. *Delivery of key elements of the emerging Sports and Leisure Strategy – given the need to take forward the range of actions to improve activity levels not just among those who are currently not active but also among those who are moderately active and across all parts of the District.*
 - c. *As part of the growing and Inclusive Economy Theme, Tourism Officers/ events proposed priority, include measures to increase the numbers and extend the percentage of visitors to the area that can (and do) stay overnight and thereby increase dramatically the spend locally by visitors.*
 - d. *In respect of the proposed priority of carbon reduction/climate action:*
 - i. *as and when initiatives are brought forward, details should be provided as to how the relevant carbon reduction measures affect the Council and its partners financially (and is there a consequence for job numbers/skills of the individual measures).*
 - ii. *the proposals for Electric Vehicle charging points across the District be worked up and the consequential budgetary issues for the Council be established and shared widely.”*

The Cabinet had before it the responses of the Corporate Finance & Governance Portfolio Holder thereto as follows:-

“Firstly, I would like to thank the Committee for the really positive and constructive approach they took to the scrutiny of the budgets. There was some challenging questions along with some really helpful discussions that support the development of the budgets.

In terms of the issues raised by the Committee, comments are set out as follows taking each point in turn:

In respect of the financial forecast and proposed General Fund budget position for 2022/23

1&2) As mentioned directly at the Committee’s meeting, this will form part of the emerging Corporate Investment Plan, which in turn will be supported by an existing budget to provide increased capacity in the right places to deliver against the Council’s ambitious agenda. Although the Corporate Investment Plan will be a ‘live’ and on-going process, the first phase is planned to be presented to Cabinet in February.

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- a. *The Committee's support for the Corporate Investment Plan is welcomed and I can confirm that it will take into account the current level of reserves and one-off amounts as highlighted by the Committee. In terms of the Committee's proposals for what the plan should include, additional comments against each further point raised are as follows:*
 - b. *The Resident's Free Parking Reserve referred to by the Committee is no longer available as this was committed to the current cliff stabilisation works along Clacton and Holland that was agreed by Cabinet back in March 2021. However, the one-off funding for the posts referred to by the Committee has been identified within the overall GF budget presented later on the agenda.*
 - c. *This commitment is already set out within the Council's Tourism Strategy and would therefore naturally form part of the Corporate Investment Plan approach going forward.*
 - d. *As an existing strategy, actions to enhance / improve public conveniences would naturally form part of the Corporate Investment Plan. Funding would need to be considered within the Council's wider financial position as the business rates relief referred to has already been built into the base budget as part of delivering a sustainable budget and forecast going forward.*
 - e. *Although subject to a future decision, a Corporate Investment Plan would be expected to be an important and overlapping element of a Community Infrastructure Levy approach and would therefore be developed on that basis.*
- 3) *Agreed, and as set out within the GF budget report later on in the agenda, the cost of the cremators is expected to be lower than initially expected which can provide a financial 'offset' against the loss of income.*
 - 4) *This echoes the similar comment that was raised when the Council's housing maintenance provider fell into administration several years ago. It was highlighted at the time that existing procurement processes do address this issue through a number of checks, such as the economic / financial standing of potential contractors, but it was recognised that it is impossible to completely remove this risk. However, as part of the new collaborative procurement arrangements with ECC, the issue will be revisited to identify if there are any changes that can be made to existing processes that add additional resilience against this risk.*
 - 5) *This will form part of the Corporate Investment Plan mentioned above, that is planned to be presented to Cabinet in February.*
 - 6) *The matter highlighted by the Committee will be raised with ECC [Essex County Council].*

In respect of the Housing Revenue Account 2022/23

- 1) *As previously highlighted, it is good to see void rates returning to more historic levels following a number of interventions and managed responses. In terms of a stretched target, we aim to reduce void rates to a minimum whilst recognising the need to undertake remedial work etc. before properties are relet. With that in mind, it would not necessarily be right to work towards an absolute target but more about*

keep driving the number down to a level that is both achievable and sustainable as measured against the current historic level of 2%.

- 2) *As set out later on in the agenda, the HRA surplus for 2022/23 of £0.333m has been set aside within the capital programme to support the investment in existing tenant's homes, which will reflect the outcome of the proposed stock condition survey.*

In respect of the proposed highlight priorities for 2022/23

I want to welcome the feedback from the Committee on the initial proposals for highlight priorities from 1 April 2022 and thank them for the time taken to consider those initial proposals. The feedback will be considered by Cabinet on 25 February alongside feedback from the Community Leadership Overview and Scrutiny Committee and the submitted views from the public and partners. I am aware that we have had over 160 responses to the online survey on this subject. It is only right and proper that we look at priorities to highlight for 2022/23 on 25 February having considered all those responses and the feedback from the two Overview and Scrutiny Committees."

Having considered the recommendations of the Resources and Services Overview & Scrutiny Committee, together with the responses of the Corporate Finance & Governance Portfolio Holder thereto:-

It was moved by Councillor Stock OBE, seconded by Councillor P B Honeywood and:-
RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the responses of the Corporate Finance & Governance Portfolio Holder thereto be endorsed.

117. LEADER OF THE COUNCIL'S ITEMS - A.2 - KEY PRIORITY ACTIONS 2021/22 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE THIRD QUARTER POINT

Cabinet gave consideration to a report of the Leader of the Council (A.2) which provided it with an update on the positive progress with the Key Priority Actions adopted for 2021/22 towards the Council's Corporate Plan Themes for 2020/24.

Having duly considered all of the information contained in the Leader of the Council's report:-

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

RESOLVED that the contents of the report be noted together with the highlighted realignment of particular milestones for particular key priority actions set out in the report.

118. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.3 - LATEST FINANCIAL FORECAST / FINAL GENERAL FUND BUDGET PROPOSALS 2022/23

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.3) which sought its approval of the:-

- latest financial forecast / budget proposals and council tax amount for 2022/23 for recommending to Full Council; and
- associated delegations to the Portfolio Holder for Corporate Finance and Governance to:-
 - i) agree the detailed budget proposals and formal draft resolutions / 'technical' appendices required for Full Council on 15 February 2022; and
 - ii) agree / adopt an associated mandatory business rate relief scheme for 2022/23.

Cabinet recalled that, at its meeting held on 17 December 2021 (Minute 99 referred), it had considered the Updated Financial Forecast / Budget 2022/23. The forecast at that time provided for a deficit of £1.488m that was to be met by drawing down money from the Forecast Risk Fund. That Updated Financial Forecast had subsequently been subject to consultation with the Resources and Services Overview and Scrutiny Committee, which had met on 12 January 2022, and that Committee's comments had been considered earlier in the meeting (as reported above under Minute 116).

It was reported that, since the Cabinet's meeting on 17 December 2021, additional changes had been required, primarily as a result of new or revised information becoming available which had included the Government's Financial Settlement announcements.

Members were informed that the changes required had resulted in a reduced deficit for 2022/23 of £0.431m, a change of £1.057m compared to the £1.488m deficit presented to Cabinet in December 2021. Appendix A to the Portfolio Holder's report, along with comments set out later on in the report, provided further details across the various lines of the forecast, with the most significant change being the receipt of the revenue support grant and other associated funding from the Government. In addition, the most up to date savings schedule and cost pressure summary were set out in Appendices B and C respectively.

Cabinet was made aware that, in order to enable the detailed estimates along with the various resolutions / 'technical' appendices required for Full Council in February 2022 to be finalised, a delegation to the Portfolio Holder for Corporate Finance and Governance had been included within the Portfolio Holder's written recommendations. A further delegation had also been included to enable a business rate relief policy, associated with a 2022/23 mandatory Government relief scheme, to be finalised in advance of bills being printed and sent out before the start of the new financial year.

Members were advised that the budget position set out in this report might change, as further adjustments could be required as part of finalising the budget for presenting to Council on 15 February 2022, with a further delegation included in the Portfolio Holder's recommendations to reflect this.

Cabinet was informed that, based on the final proposed budget for 2022/23, the Council Tax requirement was £9.112m, which was based on a £5 increase for this Council's services, with a Band D council tax of £182.64. Those figures would remain unchanged and therefore would be reflected in the various budget resolutions / 'technical' appendices proposed to be delegated to the Portfolio Holder for Corporate Finance and Governance.

Members were reminded that the Council's annual budget and the district and parish elements of the council tax would be considered by Full Council on 15 February 2022 with approval of the 'full' council tax levy for the year being considered by the Human Resources and Council Tax Committee on 24 February 2022.

Similarly to last year, the approval of the associated Treasury Strategy for 2022/23 for consultation with the Resources and Services Overview and Scrutiny Committee was recommended to be delegated to the Portfolio Holder for Corporate Finance and Governance.

Cabinet was informed that, although this report related to the proposed budget for 2022/23, a recommendation had also been included in order to respond to a relatively urgent matter relating to the purchase of additional audio and visual equipment to enhance / complement the facilities available in the new committee room in the Town Hall and to continue with live streaming of meetings.

Having duly considered all of the information and advice contained in the Corporate Finance & Governance Portfolio Holder's report and in order to enable the updated financial forecast and proposed budget position for 2022/23 to be submitted to Full Council in accordance with the requirements of the Council's Budget and Policy Framework Procedure Rules:-

It was moved by Councillor Stock OBE, seconded by Councillor P B Honeywood and:-

RESOLVED that Cabinet –

- (a) approves the latest financial forecast set out in Appendix A, along with the savings and cost pressures set out in Appendix B and C respectively that form the firm proposals for the 2022/23 budget and recommends to Full Council a Band D Council Tax for district services of £182.64 for 2022/23 (a £5 increase), along with the associated council tax requirement of £9.112m;
- (b) authorises the Portfolio Holder for Corporate Finance and Governance to agree the 'technical' appendices and resolutions for the budget proposals for recommending to Full Council on 15 February 2022;
- (c) authorises the Chief Executive, in consultation with the Leader of the Council and the Corporate Finance and Governance Portfolio Holder, to report directly to Council in respect of the formal resolutions necessary to implement the Executive's budget proposals along with any late information or notifications received from the Government;
- (d) authorises the Portfolio Holder for Corporate Finance and Governance, to agree / adopt a Retail, Hospitality and Leisure mandatory business rate relief scheme for 2022/23;
- (e) authorises the Portfolio Holder for Corporate Finance and Governance to approve the draft Treasury Strategy 2022/23 for consultation with the Resources and Services Overview and Scrutiny Committee; and
- (f) approves that, in respect of the in-year budget for 2021/22, £0.064m be added to the Capital Programme in order to enable the purchase and installation of additional

audio and visual equipment associated with the 'live streaming' of meetings and improving the quality of sound within the new committee room, which will be funded by adjustments elsewhere within the overall 2021/22 budget, as identified by the Assistant Director (Finance & IT), in consultation with the Portfolio Holder for Corporate Finance and Governance.

119. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.4 - HOUSING REVENUE ACCOUNT BUDGET PROPOSALS 2022/2023

Cabinet had before it a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.4) which sought its approval of the final Housing Revenue Account (HRA) budget proposals for 2022/23 (including fees and charges, capital programme and movement in HRA Balances) for recommendation to Council on 15 February 2022.

Cabinet recalled that, at its meeting held on 17 December 2021 (Minute 101 referred), it had considered the HRA Business Plan and Budget Proposals 2022/23. The budget proposals at that time had provided for a surplus of £0.143m that was agreed to be contributed to the Capital Programme. Those proposals had subsequently been subject to consultation with the Resources and Services Overview and Scrutiny Committee, which had met on 12 January 2022, and that Committee's comments had been considered earlier in the meeting (as reported above under Minute 116).

It was reported that since the Cabinet's meeting on 17 December 2021, a small number of changes had been required, the most significant of which related to the recharges from the General Fund. Those changes had resulted in the overall surplus increasing to £0.333m a change of £0.190m compared to the surplus of £0.143 presented to Cabinet in December. Appendix A to the Portfolio Holders' joint report set out the updated Business Plan, in terms of 2021/22 and 2022/23, with Appendix B thereto setting out the proposed detailed budgets that reflected this latest position.

Cabinet was advised that this position remained subject to further adjustments that might be required as part of finalising the budget for presenting to Council on 15 February 2021, with a delegation included in the Portfolio Holders' written recommendations to respond to this possibility.

Members were informed that the revised forecast surplus in 2022/23 remained committed to investing in capital works, which included the delivery of new affordable housing but also the continued investment in the homes of the Council's existing tenants. The surplus set out above of £0.333m therefore remained as a contribution to the HRA capital programme.

Appendix C to the Portfolio Holders' joint report set out the proposed fees and charges for 2022/23, which broadly reflected inflationary uplifts where relevant or changes to better reflect the cost of providing the associated service.

The proposed HRA Capital Programme for 2022/23 was set out in Appendix D thereto, which now included the additional contribution of £0.333m as mentioned above.

Members were made aware that the average weekly rent remained unchanged to the figure reported in December 2021 at £87.55, an increase of 4.1% over the comparable

figure of £84.10 for 2021/22. As mentioned within the report to Cabinet in December 2021, due to the relatively volatile CPI rates experienced since the start of the COVID 19 pandemic, if the proposed level of rent increase in 2022/23 was taken together with the relatively low figure of 1.5% last year, then the average annual increase would be 2.8% over the two years.

It was reported that the HRA general balance was forecast to total £4.325m at the end of 2022/23, which retained a strong financial position against which the Housing Strategy and associated HRA 30 year Business Plan could be continue to be delivered / developed.

Cabinet recognised that the HRA balances, together with the proposed rent increase for 2022/23 were important elements of the overall business plan, especially against the background of the risks that were expected to emerge from the Hackett Review and the new decent homes standards along with delivery actions underpinned by the Council's Housing Strategy.

Cabinet noted that the HRA debt continued to reduce year on year as principal was repaid with a total debt position at the end of 2022/23 forecast to be £35.350m (a reduction of £1.427m compared with the figure at the end of 2021/22).

Officers had consulted with the Chairman of the Tenant's Panel who had responded with positive comments on the HRA Budget Proposals. Cabinet recognised that the Tenant's Panel played an important role in developing the HRA Business Plan and budget proposals moving forward.

Having duly considered all of the information and advice contained in the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder's joint report and in order to enable the HRA budget proposals for 2022/23 to be submitted to Council for its approval:-

It was moved by Councillor P B Honeywood, seconded by Councillor Stock OBE and:-

RESOLVED that Cabinet –

- (a) authorises the Assistant Director (Finance & IT), in consultation with the Housing Portfolio Holder, to adjust the forecast / budget, including the use of reserves, in the event that the financial position changes prior to Council considering the HRA budget on 15 February 2022;
- (b) subject to (a) above, approves and recommends to Full Council on 15 February 2022 a 4.1% increase in dwelling rents in 2022/23 along with the detailed HRA Budget proposals for 2022/23, as set out in Appendices B to E to item A.4 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder.

120. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.5 - STARLINGS SITE AND MILTON ROAD, HARWICH REDEVELOPMENTS

Cabinet had before it a detailed joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.5) which requested that, given the significant inflation in construction costs in the last six months, Cabinet approve a transfer of £272,383 from the Business Investment Fund to the Starlings project.

The joint report also requested that demolition of the Milton Road Car Park was postponed and an options paper be brought forward for the site during 2022/23. Furthermore, that in the interim at least £74,000 of the sum to demolish Milton Road Car Park be reassigned to the Starlings Project, in order to enable the scheme to proceed. Further, that up to £12,000 of budgeted demolition costs for Milton Road be used to commission a report to determine the car park's current condition and structural stability and the maintenance requirements and costs.

Cabinet recalled that, at its meeting in July 2019, it had approved the strategy for the revitalisation of Dovercourt town centre, which set out a positive vision to guide development and identified twenty projects to attract residents and visitors, and to improve the image and quality of the centre (called the 'Dovercourt Masterplan Revisited'). The Cabinet had also agreed at that meeting to the preparation of a detailed business case for the redevelopment of the Starlings Site and Milton Road Car Park. That business case had been considered by Cabinet in September 2019 and Cabinet had approved the acquisition and redevelopment of the Starlings site and the demolition of the Milton Road Car Park. Cabinet had also allocated £1.595m funding to the project from existing budgets. £86,000 of that fund had been allocated to the demolition of Milton Road Car Park.

Starlings

Members were aware that the works aimed to bring back into productive use a vacant and derelict site, which currently blighted and had a negative impact on Dovercourt High Street. The new Starlings Car Park would provide 51 parking spaces with four disabled bays and a minimum of four charging points for Electric Vehicles, able to charge up to eight cars.

It was considered that the project had significant benefits. It would create a more accessible public car park and provide the potential for a multi-use 'event space' in the town centre. It was felt that this would improve footfall in the town and reduce opportunities for crime and disorder. This investment should create confidence in the market to encourage private sector investment within the town centre and give the town's existing traders the confidence to invest in their businesses and in their property. It would bring new amenity into the town centre with new toilets, and a high quality design scheme for the public realm.

It was reported that Phase 1 of the Starlings redevelopment had been completed with the initial feasibility, survey and site investigation. A Portfolio Holder decision dated April 2020 had provided authorisation to proceed with the land acquisition and detailed design and the land for the Starlings site had been acquired in August 2020 at a cost of £528,000.

The main scheme had been developed with detailed design by Richard Jackson Ltd in 2020/21 with a total of approximately £670,000 spent on the project to date. Competitive tenders had been sought for the scheme in autumn in 2021. The project consultant's Richard Jackson Ltd had reviewed the tenders and had made a recommendation.

Members were informed that the tenders had come back in line with the significant inflationary costs in materials and labour in the construction industry in the last six months. Following evaluation and assessment the lowest and recommended tender was for £827,724. There had also been additional costs identified for the scheme, including for the electrical vehicle charging scheme and proposals for a left turn option out of the carpark. As a result, the total cost of the Starlings scheme was estimated to be £1,971,000, an additional £376,383 above the budget of £1,595,000.

Cabinet now had options on how it wished to proceed.

Option One – Stop all Works

This option was to stop all works at this point, accepting the sunk costs into the project. The project would have created a design with planning permission and a tender pack for the works. It could be left to a point in time when the project could seek external funding, for example from the Levelling Up Fund. However, this would mean significant project delay on one of the Council's top priorities, with external funding uncertain.

Option Two – Value Engineering

An alternative option was value engineering. It was possible to reduce the costs of the scheme by removing the left turn option out of the carpark, which had been brought in later in the design phase, remained a high risk to the programme and to the budget, and had not yet been approved by Essex Highways. This would save £30,000 and it was the Portfolio Holders' recommendation that this saving be taken.

In addition, the construction of the toilets could be delayed or abandoned, which would save about £70,000, changing the level so that the carpark was sloped rather than flat, thus removing the need for a retaining wall, which would reduce costs in the region of £100,000. However, those two changes would significantly reduce the amenity of the scheme, given the age of the current Milton Road Car Park toilets and that the purpose of creating a level car park was to enable it to be used as an events space which had the opportunity to bring people into the centre of the town.

The scheme could remove all, or a proportion of, the agreed £208,000 contingency, given that this was a fixed price contract. However, there remained risks to the project programme and to the budget including, for example, site contamination. So it was recommended to hold the budget for contingency in order to enable sufficient funds to be set aside for the project to complete.

Project costs could be reduced by seeking additional funding. Central government offered grants for up to 75 percent of electric vehicles charging points, which could save between £15,000 and £26,500, depending on the outcome of the bid. This funding option was being pursued, which if successful would reduce the amount of investment required by the Council.

There was also the opportunity to save costs by postponing the demolition of the Milton Road Carpark.

Milton Road progress and proposal

Members were reminded that Milton Road Car Park was proposed in the Dovercourt Masterplan to be redeveloped as nine three bedroomed town houses above a shared under-croft car park and 15 public car parking spaces on Bagshaw Road. The aim was for the Council to demolish the carpark and then to dispose of the site for housing to a private sector developer, housing association, or for council-led development to deliver the scheme. £86,000 had been set aside for the demolition of the carpark, with the housing scheme expected to be viable without additional investment, and potentially generate a land receipt for the Council.

The Council had appointed a valuation surveyor in 2017 who had ascribed a value of £120,000 to the Milton Road site. The Council had commissioned a second valuation (in line with protocols for site disposal) with Blackman and Partners Surveyors in April 2020 who had valued the site at £200,000 with outline planning for nine three-storey townhouses. However, the valuation had indicated that for a developer to make an acceptable profit on the development the land value would have to be zero or negative.

Officers had then engaged with eight private developers and five housing associations in the summer of 2020 to consider whether they were prepared to develop the scheme. An option for development was possible at an estimated cost of £455,000 to the Council, including demolition costs, the £200,000 foregone land value, and contributions to public realm, and planning and project delivery costs.

Consideration had then been given to the partial demolition of the existing Car Park site and toilets and for the lower deck to be retained for additional parking. However, Potter Raper had estimated the costs would be £140,000 for this work, significantly over the budget set aside by Cabinet for total demolition of £86,000. Construction cost inflation had increased significantly in the last six months, with the construction elements of the Starlings project nearly 50 percent over budget, and so full demolition was expected now to be over the £86,000 budgeted.

Cabinet could seek to set aside additional funding for the demolition of the upper deck of Milton Road Car Park now, in addition to the investment in the Starling Project. This would increase the amenity of the site and reduce the cost of any future development at Milton Road. However, it would increase the cost of the project now by a further £128,000. Total demolition would be a similar investment, and would reduce the overall number of parking spaces ahead of the completion of the new Starling car park.

Cabinet could alternatively bring forward options for the Milton Road car park once the Starlings project was complete. This would enable the budget set aside for the demolition of Milton Road car park to be invested into the Starlings project to support it to progress now. Once the Starlings project was complete, any spend against the £208,000 Starlings contingency would be known, creating the context for the potential to progress Milton Road. In addition, the potential for external funding from the Levelling Up Fund should also be clearer.

As a result it was recommended by the Portfolio Holders that the Milton Road Car Park be retained in its current form and that at least £74,000 of the funding set aside for demolition be used to reduce the additional cost of the Starlings scheme. Up to £12,000 of the £86,000 budgeted for Milton Road demolition should be used to commission a report to determine the car park's current condition and structural stability and the short/medium term maintenance requirements and costs. A future report would be

brought forward to Cabinet regarding the options for the Milton Road car park in 2022/23

Summary of current position

In summary the Cabinet was requested to approve that at least £74,000 of the £86,000 allocated to the Milton Road Car Park demolition be transferred to the Starlings project, and that the left turn option be abandoned with a further additional sum of £272,383 to enable the current Starlings redevelopment scheme to proceed at a total cost of £1,867,383. This would enable the current tender from the lowest priced contractor to be accepted and appointed to proceed with the works. The Council should also allocate up to £12,000 of the £86,000 currently budget to Milton Road Car Park to obtain an up to date report to determine the condition and future costs and maintenance requirements of the Car Park to enable safe use in an interim period. A report on the future of the Milton Road Project would be brought to Cabinet during 2022/23.

Having considered all of the information and advice contained in the Portfolio Holders' joint report and to enable this matter to continue to progress to a satisfactory conclusion:-

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

RESOLVED that Cabinet agrees to –

- a) place an additional sum of £272,383 in the Capital Programme from the Business Investment and Growth Fund towards the Starlings Project;
- b) postpone demolition of Milton Road Car Park and bring forward options for the site later in 2022/23;
- c) approve up to £12,000 from the funding allocated to demolish Milton Road Car Park to commission a report into the current condition of the Car Park and its immediate maintenance requirements and costs to safely operate;
- d) the allocation of the remainder of the Milton Road Car Park demolition costs from the original 2019 September Budget to the Starlings project; and
- e) note that Officers will proceed with procurement of the contractor.

121. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.6 - JAYWICK SANDS COVERED MARKET AND MANAGED WORKSPACE

Cabinet had before it a joint report of the Business & Economic Growth Portfolio Holder and the Housing Portfolio Holder (A.6) which sought its approval to allocate a further £254,465 from Tendring District Council's (TDC) New Homes Bonus to the Jaywick Sands Covered Market and Managed Workspace Project given the recent significant increase in construction costs demonstrated by tender returns.

The joint report also sought approval to seek further external funding from partners and to enter into agreement with them to meet the remaining gap in funding for the project.

Depending on the success of the effort to source sufficient funds, this Council would enter into contract with a construction firm to deliver the project.

Cabinet recalled that it had last received an update on the Jaywick Sands Covered Market and Workspace at its meeting held in October 2021 when it had agreed to grant an exemption to the Council's procurement rules in order to allow a direct award of a service contract for the management of the facility and business support service to the Council's operating partner, and also agreed that a licence to occupy would enable the most effective project delivery.

That October 2021 Cabinet report had also noted that construction material costs had increased as the country 'unlocked' from Covid-19 and that once the tender prices had come in for construction there was a potential risk that this budget would be insufficient to deliver the project as planned. Cabinet had been informed at that meeting that it would be updated with options if the increase in prices occurred, seeking any necessary approvals.

It was reported that since October 2021 the tender process for the construction of the facility had been undertaken by the Council with its Professional Team: HAT Projects (Architects), Potter Raper (Cost Consultants) and Daniel Connal Partnership (Construction, Design and Management Consultants). On 3 December 2021 the Council's cost consultants Potter Raper had produced a revised cost appraisal based on the Council's tender pack and the latest market information on the cost of materials. This work had indicated that the total construction cost of the scheme had likely increased from £2.1m to at least £2.7m.

Members were informed that, on 6 December 2021, the Council had received tenders from building contractors as part of the Council's procurement exercise, which had come in significantly above the budget, with the lowest tender after value engineering listed at £3,877,239, over £1.1m greater than the cost consultant's recent estimate. This had resulted in a total scheme value of £4,407,182, which was £1.98m over the total budget currently allocated of £2,427,000 to secure delivery.

As part of the tender evaluation process, Potter Raper had been requested to examine and comment on the large discrepancy between their latest cost advice and the prices quoted in the three submitted tenders. It was considered likely that contractors had sought to reduce their risk by cushioning current volatile market prices against materials cost inflation during the nine month delivery phase. It was also noted that whilst the three tenders were significantly higher than the most recent cost estimates, the three returns had all fallen within about seven percent of each other, demonstrating that this range was the price necessary to complete the work in current market conditions.

Options Available

Cabinet was advised that one option would be to end the project at this point and not to draw down the funding. However, the economic benefits of the project for Jaywick Sands would not be realised as jobs and businesses would not be attracted to that location. In addition, the wider regeneration of Jaywick Sands linked to the Place Plan would be stalled, and the 'sunk' costs in the project of around £300,000 would need to be covered, with no output.

It was felt that for the project to proceed, additional funding was required. As the project was within the Housing Revenue Account (HRA), it would be possible, in principle, to adjust the long term HRA business plan to fund the project. However, this would have a significant impact on the proposed current outputs of that business plan, including, for example, the repairs and maintenance of council homes and the planned purchase of new council properties.

Another option would be to allocate Council funding relevant to the HRA to the project, including the New Homes Bonus. It was therefore being recommended by the Portfolio Holders that £254,465 of New Homes Bonus 2022/23 be allocated to the project. This would be in addition to the £105,535 allocated at the start of the project and £45,000 of project costs allocated at the October 2021 Cabinet, for the first year of operation of the managed workspace.

However, despite the additional investment from the Council, a financial gap remained in project costs of £1.68m. Cabinet was made aware that TDC was looking for external funding to meet the gap. The Council had approached the South East Local Economic Partnership (SELEP) and Essex County Council (ECC) for additional investment in the project. It was expected that TDC would receive a response from those partners in early February 2022 whether such further funding was available, which would be within time for the fixed price tenders, which were on hold until 6 March 2022. TDC was also engaging with SELEP on their expectations of the timeline for this project's delivery, given the need to source additional funding to proceed. It was expected that GBF funding could be claimed from SELEP as soon as the build started, which it was recognised would take place now in February or March 2022.

Having considered all of the information, advice and proposals contained in the Portfolio Holders' joint report and to enable this matter to progress to a satisfactory conclusion:-

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

RESOLVED that, in the event that this Council (TDC) is successful in its pursuit of external funding to meet the shortfall in the Jaywick Workspace and Covered Market project, Cabinet -

- (1) authorises the Chief Executive, in consultation with the Portfolio Holder for Housing and the Portfolio Holder for Business and Economic Growth and the Council's Section 151 Officer and the Monitoring Officer, to enter into the necessary Funding Agreement;
- (2) agrees that the Housing Revenue Account Capital Programme be increased by £1,934,647 to £4,407,000 to be funded by a TDC contribution of £254,465 from the 2022/23 New Homes Bonus and external funding of £1,680,182; and
- (3) notes that, in that eventuality, the Council will proceed to award the contract to construct the Jaywick Workspace and Covered Market project.

122. MANAGEMENT TEAM ITEMS

There were none on this occasion.

123. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 15 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

124. EXEMPT MINUTES OF THE MEETING HELD ON FRIDAY 17 DECEMBER 2021

It was **RESOLVED** that the exempt minutes of the meeting of the Cabinet, held on Friday 17 December 2021, be approved as a correct record and be signed by the Chairman.

The Meeting was declared closed at 11.13 am

Chairman

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CABINET

25 FEBRUARY 2022

REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

A.1 SCRUTINY OF THE HOUSING ISSUES IN THE DISTRICT - EXTERNAL PARTNERS

(Report prepared by Keith Durran)

BACKGROUND

At its meeting held on 10 January 2022 (Minute 33 refers) the Community Leadership Overview & Scrutiny Committee ("the Committee") had undertaken an enquiry (within the Corporate Plan Theme of Community Leadership) into how joined up public services were to address the housing needs in the District.

As part of the Committee's enquiry, the Committee was provided with a written report from the Council's Portfolio Holder for Housing. The report referenced the Council's Housing Strategy (approved in October 2020) and how the Council was working with statutory and non-statutory partners to deliver homes to local people, tackle homelessness, make best use of the Council's housing stock and to support residents in their homes and communities. The Committee was given information on the how the strategy focussed on external partnership working to achieve its priorities. The Committee heard oral submissions from three external partners.

Ivan Briggs, Operations Manager at Anglia Care Trust

Ivan gave a short presentation to the Committee on their organisation's work with vulnerable rough sleepers in the district and those at risk of sleeping rough. He addressed the need for accommodation for those most vulnerable individuals who were rough sleeping.

Richard Priest, Social Housing Consultant, Priest Property Consultants

Richard gave a short presentation to the Committee on his work to secure investment in accommodation in the district to increase the supply of private rented accommodation for the most vulnerable and to improve conditions and management of Houses in Multiple Occupation (HMO's). The vehicle he referenced for that investment was a RealEstate Investment Trust.

Gavin Cowling, Team Manager (Essex) Peabody Floating Support

Gavin gave a short presentation on the work his organisation carried out to support clients with their housing and other related difficulties. He indicated that advice for new tenants was an area to look at opportunities to improve so that there was the best signposting of those tenants to services that could help them across a broad spectrum of issues they were facing (including debt advice).

The Committee was advised that the disruption to the lives of individuals and families going through an eviction situation (with uncertain future housing provision to go to) was great indeed and that action to avoid that eviction, where possible, could definitely improve the lot of those individuals/families.

COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET

The Community Leadership Overview and Scrutiny Committee decided to:-

RECOMMEND Cabinet to:-

- a. *encourage real estate investment trust investment in purchasing low quality HMO's and investing in them to produce good quality self-contained affordable units.*
- b. *sign posting those who apply to join the housing register to organisations to support debt management, maximising benefits, over-coming isolation and other issues they may struggle with.*
- c. *securing additional accommodation for those with vulnerabilities who are rough sleeping, to continue and develop early intervention with Landlords to resolve issue rather than moving to evictions.*

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

Portfolio Holder's Comments

"The meeting served as a useful reminder of all the work that goes on in our housing service and the wide range of partner organisations who we work with to support residents of our District. The recommendations to Cabinet all tie back to commitments already made in our Housing Strategy and in the Homelessness and Rough Sleeping Strategies and as such I have no further comments to make."

Recommendations to Cabinet:

That the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and the response of the Portfolio Holder thereto be endorsed.

CABINET

25 FEBRUARY 2022

REPORT OF THE LEADER OF THE COUNCIL

A.2 HIGHLIGHT PRIORITY ACTIONS FOR 2022/23 AND MONITORING DELIVERY OF THOSE ACTIONS

(Report prepared by Keith Simmons and Hattie Dawson-Dragisic)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To receive the outcome of consultation with the public, partners and the two Overview and Scrutiny Committees on provisional highlight priority actions for 2022/23. Cabinet is then invited to determine its highlight priority actions for 2022/23 against which performance will be monitored and reported on in that year.

EXECUTIVE SUMMARY

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

The themes of the 2020/24 Corporate Plan are:

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

The Corporate Plan shapes and directs the Council's work and an extensive range of actions will be undertaken across the 2020-24 life of the Plan to deliver against its themes and priorities.

Each year, Cabinet establishes its priority actions to deliver against specific elements of the Corporate Plan and thereby ensure that the ambition of that Plan is central to its work. Each year those priority actions will obviously change as we move through cycles of planning, delivery and evaluation across the life of the Corporate Plan. As such, the priority actions for 2022/23 do not cover every separate element of the ambition of the four year Corporate Plan; nor are they intended to indicate that other projects, schemes or activities are not being pursued, in addition to service delivery through business as usual. They are though intended to reflect imperatives across the Council and for the District and actions that it is right to focus on in this year.

The past two years have been exceptional not only nationally but also globally. In Tendring, our Community Leadership role has never been more important. Working with our Councillors, we took on additional responsibilities in supporting our residents and businesses through the COVID-19 pandemic. It is difficult to underestimate the impact of almost two years' worth of

restrictions and redeployed staff to support testing, tracing, vaccination centres and community volunteer liaison has had on the way the Council was able to carry on with its ambitions for 21/22 whilst continuing to operate all of its services, where restrictions did not prevent us from doing so

In considering the highlight priorities for 2022/23, it is useful to record the following list of some examples of key projects that the will get underway very soon, following the approval of the Council's budget on 15 February 2022, as well as some that have commenced and should be able to complete very shortly:

- The provision of a covered market and managed workspaces in Jaywick.
- The development of the former Starlings site in Harwich.
- Various projects set out within the Back to Business action plan.
- Supporting the development of the major Freeport project, centred on Harwich.
- Replacing the all-weather pitch at Clacton Leisure Centre along with wider investment in the centre.
- Supporting celebratory events such as Clacton 150 and Mayflower 400 in Harwich.
- The replacement of our cremators at Weeley.
- Supporting our heritage assets such as the Treadwheel Crane in Harwich.
- Undertaking cliff stabilisation work along Clacton and Holland seafronts.
- Demolition of a multi-storey car park in Harwich, to be replaced with housing; and
- Disposal of the former Weeley Council office site, which will not only provide us with additional housing, but will also enable us to secure the full savings from disposing of that site.

All of these provide a great foundation on which the Council will continue to deliver its Corporate Plan over its life until 2024. The 2022/23 actions will, of themselves, underpin further actions in 2023/24. As such, it is appropriate to invest time and energy to delivering them.

On 17 December 2021, Cabinet considered a provisional list of highlight priority actions, which had been prepared following consultation with individual Portfolio Holders and the Leader of the Council. These were then submitted to the two Overview and Scrutiny Committees to engage with those Committees on the priority actions to be adopted and the performance monitoring of the delivery of those actions. In addition, between 5-19 January 2022, local partner organisations and the public were invited to submit views on the initial priorities.

The Community Leadership Overview and Scrutiny Committee on 10 January 2022 considered Cabinet's request for feedback. The Cabinet's request for feedback was then submitted to the Resources and Services Overview and Scrutiny Committee on 12 January 2022. Set out at Appendix B are the views of the two Overview and Scrutiny Committees and a summary of the views from the public and partner organisations.

The feedback is presented to Cabinet for it to consider before it determines its highlight priority actions for 2022/23.

RECOMMENDATION(S)

It is recommended that:

- (a) the outcome of the consultation with the public, partner organisations and then Overview and Scrutiny Committees on the provisional list of highlight priority actions agreed by Cabinet on 17 December 2021 (set out at Appendix B) be received and welcomed; and**

(b) following consideration of the submitted views referred to in (a) above, the highlight priority actions for 2022/23, as set out at Appendix A to this report, be adopted by Cabinet.

REASON(S) FOR THE RECOMMENDATION(S)

The Council's delivery of highlighted priorities is a key element of the Council's performance management process to ensure there is focus on highly significant developments, projects, schemes and activities. By way of the recommendation, the outcome of consultation on the initial highlight priorities is being received and considered by Cabinet and informing its decision on the priorities to be highlighted in 2022/23. Arrangements will then be put in place to deliver against the highlight priorities (subject to specific approvals required for those priorities) and to report on that delivery.

ALTERNATIVE OPTIONS CONSIDERED

Not submitting highlight priorities was considered and discounted in view of the beneficial impact of the focus the highlight process gives to focus on significant developments, projects, schemes and activities for the District and for the Council. The alternative options considered for which highlight priorities to select for 2022/23 are referred to in the report and the reasons for selection or non-selection are set out for each.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The highlight priority actions set out at Appendix A seek to deliver in the year 2022/23 on the ambitions of the four-year Corporate Plan. Other actions in 2022/23 will also be undertaken as the Council applies the strategic direction of the Corporate Plan to its work overall. In addition, Cabinet will establish a further set of key actions for 2023/24 further advancing achievements against the Corporate Plan.

OUTCOME OF CONSULTATION AND ENGAGEMENT

On 17 December 2021, the Cabinet approved a series of initial highlight priorities for 2022/23 to form the basis of consultation. Following that decision, an online survey was created that set out the initial highlight priorities and invited views on them. This was open to members of the public and to organisations to complete. In addition, paper copies of the survey were made available at the Council's Offices in Pier Avenue and the Town Hall in Clacton-on-Sea. The consultation ran from 5 January to 19 January 2022. A press release was issued to draw attention to the survey and social media posts were used to repeat that message.

In addition to writing to each of the 27 Parish/Town Councils in the District to advise them of their opportunity to comment, the following organisations were also invited to submit views on the initial highlight priorities:

- Essex County Council - Trading Standards, Education and North East Essex Children's Services
- Essex County Fire & Rescue Service
- Essex Police
- North East Essex Children's Partnership Board
- North East Essex Clinical Commissioning Group
- North East Essex Health & Wellbeing Alliance
- Department of Works and Pensions

- Essex Probation Service
- Essex Youth Offending Service
- Community Voluntary Services Tendring
- Tendring Together Voluntary Sector Coalition
- Citizens Advice Bureau Tendring
- Catch22 – who work in prisons, alternative provision schools, colleges, and in a range of community settings
- Chelsea Football Club
- Estuary Housing Association
- Salvation Army Housing Association
- Clarion Housing
- Guinness Housing
- Chelmer Housing Partnership
- Family Mosaic (part of the Peabody Group) - providing homes and support to the most vulnerable.
- Samaritans
- African Families in UK
- Care Action on Rape and Abuse
- Security Industry Authority
- Restorative Justice Hub
- Next Chapter – who provide person-centred, trauma-informed support to victims and survivors of domestic abuse.
- Phoenix Futures – working with those who are recovering from drugs and alcohol problems
- Family Solutions – who work with families to identify their own solutions to their problems
- Co-op
- Open Road Charity – who provide Drug and Alcohol Recovery support
- Find Your Spark (Social Enterprise) – who provide One to one Brief Solution Focused Therapy for parents and anger management for young people
- RSPCA
- Inclusion Ventures – who provide a safe environment and activities for young people to encourage them to become responsible members of their community.
- UTURN4SUPPORT – who seek to help young people to develop their capabilities that they may grow to full maturity as individuals and members of society
- Barnardos
- Lads Need Dads
- Crimestoppers
- Neighbourhood Watch

A total of 160 completed responses were received to the consultation using the survey provided. The full set of responses is available to Councillors in the Leadership Support Office. A summary of those responses is set out at Appendix B with a commentary around those responses.

LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget

	<p>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</p>	
<p>The legal implications of individual actions will be assessed when they are brought forward for formal decisions to be made. A number of these decisions will be designated 'Key' Decisions.</p>		
<input checked="" type="checkbox"/>	<p>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</p>	
<p>The Code of Corporate Governance provides a framework of the governance arrangements in place in the Council and reflects the CIPFA / SOLACE framework. The activities undertaken and set out within the report in bringing forward the Highlight Priority Actions and how delivery of these actions will be monitored demonstrates compliance with four of the seven Core Principles of Good Governance identified in the Council's Code of Corporate Governance, being:</p> <ul style="list-style-type: none"> • Ensuring openness and comprehensive stakeholder engagement • Defining outcomes in terms of sustainable economic, social and environmental benefits • Determining the interventions necessary to optimise the achievement of the intended outcomes <p>Implementing good practices in transparency, reporting and audit to deliver effective accountability</p>		
<p>FINANCE AND OTHER RESOURCE IMPLICATIONS</p>		
<p>The highlight priorities set out at Appendix A includes the delivery of the financial savings target within the Medium Term Financial Strategy. In considering all matters, it is vital that the balance of resources can be accommodated by this Council, and that it does not put further strain on the Council being able to balance its budget each year.</p> <p>A key risk as Cabinet determines its highlight priorities for 2022/23 is the continuing impact of the Covid-19 pandemic and the restrictions imposed to address the pandemic. These risks will need to be assessed in a dynamic way as respond to and live with Covid-19. There may yet be further work for the Council to achieve, such as new grant schemes, as there has been in 2020/21 and this too will affect the capacity of the Council to achieve the Cabinet's adopted highlight priorities.</p>		
<input checked="" type="checkbox"/>	<p>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</p>	
<p>There are no additional comments over and above the financial information / commentary already set out elsewhere in this report.</p>		
<p>USE OF RESOURCES AND VALUE FOR MONEY</p>		
<p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>		
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its</p>	<p>The fiduciary duty of the Council to its residents has been a continuing part of the process to develop highlight priorities. A specific highlight priority concerns achieving the savings required by the Council's Medium Term Financial Strategy.</p>	

services;	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The issuing of initial highlight priorities, consulting on them, receiving and considering the responses is designed to encourage informed decisions. The individual priorities will still be subject to their own individual approvals process to ensure relevant risks are assessed as an integral part of that process.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The monitoring of the delivery of the highlight priorities seeks to ensure that it does indeed learn and respond to the issues faced in the delivery of those priority actions.

MILESTONES AND DELIVERY

17 December 2021 –	Initial highlight priorities approved for consultation/development.
5 January – 19 January 2022 – 25 February 2022 –	consultation on the initial highlight priorities. Cabinet receives the outcome of consultation and determines its highlight priorities for 2022/23.
7 March 2022 –	The highlight priorities may be implemented if not called-in.
1 April – 30 June 2022 – Quarter 1 –	To be reported on at the end of this period and the detail added to the Transparency Data on the Council's Website.
1 July – 30 September 2022 – Quarter 2 –	To be reported to Cabinet on (provisionally) 7 October 2022 and available for Overview and Scrutiny Committees to consider specific items.
1 October – 31 December 2022 – Quarter 3 -	To be reported to Cabinet on (provisionally) 27 January 2023 and available for Overview and Scrutiny Committees to consider specific items.
1 January – 30 March 2023 – Quarter 4 –	Year Outturn report to Cabinet on (provisionally) 21 July 2023 and available for Overview and Scrutiny Committees to consider specific items.

ASSOCIATED RISKS AND MITIGATION

The process of developing the highlight priorities, involving discussions with individual Members of Cabinet (and collectively with them) seeks to ensure that they focus on highly significant developments, projects, schemes and activities for Cabinet and the Council. The consultation undertaken seeks to ensure that a range of confirmatory and contrary views are sought, and obtained, to test that the focus is correct or requires adjustment. Throughout the year, whilst monitoring performance, consideration should be given to the assessment of risk and any mitigation required should be highlighted through project management and the reporting updates.

EQUALITY IMPLICATIONS

In preparing this report, due regard has been given to the likely effect of the exercise of the Council's functions on, and the need to do all that it reasonably can to prevent, crime and

disorder in its area. In addition, due consideration has been given to the District Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

SOCIAL VALUE CONSIDERATIONS

The Council takes seriously its obligations under the Public Services (Social Value) Act 2012 (Act) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area. Indeed, the proposal for a highlight priority promoting the Council as an Anchor organisation seeks to affirm the Council's intention to use its position as a provider of services, employer, buyer of goods and services etc to benefit the area it serves. Through encouraging other bodies to take on the Anchor organisation role locally it wishes to see tangible benefits for the area.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The report has also had regard to the Climate Change Strategy and Action Plan as adopted by the Council. A highlight priority proposed in Appendix A is to take forward the delivery of the actions under that Strategy/Action Plan and thereby achieve its objectives as approved by Council.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	The specific inclusion of a highlight priority to strengthen and enhance enforcement activity by the Council in the three outlined offence areas of fly tipping, littering and dog fouling is seen as demonstrating the Council's action in support of its duty.
Health Inequalities	The specific inclusion of a highlight priority to work with health partners to address health inequalities in 2022/23 is seen as demonstrating the Council's commitment to addressing this matter.
Area or Ward affected	All Wards – This is a District-wide package of priorities that will touch all wards.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

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

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

- Understanding of the local place and priority setting

- Leadership of place
- Financial planning and viability
- Organisational leadership and governance
- Capacity to deliver

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

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

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

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

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

- Ensure that success measures and key milestones for delivery are built into the project/priority before it is/they are approved so that implications for resource allocation and other consequences can be factored in.
- Align the Cabinet’s Annual Priority Actions with the Budget approval process and thereby to clarify decision making. Likewise the six monthly review provides the opportunity to reset projects/priorities to take account of events.

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

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

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

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

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

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

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

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

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

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

In so far as the Cabinet's Annual Highlight Priorities are concerned, the following approach is proposed:

1. Proposals must have a description of the action for the year in question, the milestones towards achieving the action, the intended outcome, reference to the budget allocated and who is the responsible senior manager and Portfolio Holder.
2. Initial draft proposals for the Annual Highlight Priority Actions for the following financial year will be considered at the meeting of Cabinet that also considers the Initial budget for the Council for the same year (in December).
3. The Proposals will be considered by Overview and Scrutiny Committees and views submitted on the initial draft proposals.
4. The finalised Proposals for the Annual Highlight Priorities for the following financial year will be considered at the meeting of the Cabinet that also considers the draft budget for the Council for that same year (at the end of January). This will include Quarter 3 report on performance against the Annual Highlight Priorities for the current year.
5. Following the adoption of the Annual Highlight Priority Actions, the performance

triggers will be built into the performance monitoring system of the Council based on the milestones approved as part of those Priority Actions.

6. Officers will report to the relevant Portfolio Holder on delivery of the Priority Actions and Portfolio Holders will determine, by exception, if issues need to be reported to Cabinet throughout the year.
7. Each quarter, a summary report on delivery against all of the Cabinet's Annual Highlight Priorities Areas for the year will be reported to Portfolio Holders and then published as part of the Council's transparency data. Overview and Scrutiny Committee members may then identify specific highlight priorities actions where there is performance against relevant milestones that should be subject to further enquiry and these may then be referred to the next relevant meeting of the Committee.
8. A half yearly report on performance against the Annual Highlight Priorities will be submitted to the relevant Cabinet Meeting (in October). This not only enables the Cabinet to consider the delivery of highlight priorities in that year but also to encourage the start of the process to set highlight priorities for the following financial year.
9. The half yearly report will be available for Overview and Scrutiny Committees to include in their work programmes so as they can consider the likely achievement of the envisaged outcomes envisaged.
10. The Outturn position on performance against the Cabinet's Annual Highlight priorities for the previous financial year will be timed to be reported to the Cabinet Meeting at which budget Outturn for that year will be reported.

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

PREVIOUS RELEVANT DECISIONS

Cabinet – 17 December 2022 (Minute 98 refers) – adopting the initial highlight priorities for consultation.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

- A – Highlight Actions for 2022/23 in support of the Corporate Plan themes
- B – Consultation Response Summary

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Tendring
District Council



Zero
emissions



zero Emission

LS21 ERJ

Highlight Priorities for 2022/23

Relevant Corporate Plan Theme

Delivering high quality services

Relevant Corporate Plan Priority

**A3 Minimise waste;
Maximise Recycling**

Lead Officer

Damian Williams

Portfolio Holder

Cllr Michael Talbot

Budget

Within existing budgets and making use of any grant funding that might become available.

Highlight Actions in 2022/23 to support the priority

The Council implemented a substantially different waste and recycling collection service in 2019. The new service brought with it a number of challenges and opportunities that saw recycling rates increase.

The objective through the course of this year is to further develop and consolidate the service to ensure it continues to deliver a good recycling rate whilst providing a good level of satisfactory for residents.

Quarterly Milestones in 2022/23

April-June (Q1)

Officers will work with the Council's waste collection contractor to identify areas where the waste collection and recycling service can be developed and refined. This will focus on increasing recycling rates where possible and further improving customer satisfaction.

July-September (Q2)

Where possible and within existing budgets additional opportunities for recycling will be explored and implemented.

October-December (Q3)

Implementation of the improvements and opportunities identified in Q1 & Q2.

January-March (Q4)

Implementation of the improvements and opportunities identified in Q1 & Q2.

Intended Outcome

The intended outcome is an effective and efficient waste collection and recycling service that residents are happy with and that provides good value for money whilst achieving a realistic recycling rate.

Relevant Corporate Plan Theme

Delivering high quality services

Relevant Corporate Plan Priority

A6 Effective regulation and enforcement

Lead Officer

Damian Williams/Anastasia Simpson

Portfolio Holder

Cllr Giancarlo Guglielmi

Budget

Existing revenue base budget allocations and the sum of £352K included in the budget as a one-off amount for 2022/23.

Highlight Actions in 2022/23 to support the priority

The Covid response work continues, alongside a commitment to Enforcement. As agreed at the Corporate Enforcement Group the Community Ambassadors are being trained to respond to three key offences using Fixed Penalty Notices. The areas of priority are dog fouling, littering and fly tipping. The Community Safety Team continue to use the powers available to the authority in the Anti- Social Behaviour (ASB) 2014 Act. These powers are usually used in conjunction with partners such as Essex Police or Housing Associations.

Quarterly Milestones in 2022/23

April-June (Q1)

Prepare for and commence the Summer Plan 2022 and Ambassadors to focus on the three priority areas identified by the Corporate Enforcement Group.

Maximise capacity within the approved establishment of 5 Ambassadors and an ASB Case Officer (with a view to maintaining that position throughout the year). Subject to approval of the funding.

July-September (Q2)

Commence a review of the Strategic database to ensure consistency of recording of instances and relevant cases given to ASB Case Office for litigation.

October-December (Q3)

Evaluation and All Member Briefing to review the success of the Summertime plan. This will include a 'lessons learnt' document.

January-March (Q4)

Report back to Cabinet and/or an update at an All Member Briefing. Progress to also be reported back to partners including the Office of the Police Fire and Crime Commissioner as part of the annual review.

Intended Outcome

- To impact positively on the problems for residents and businesses in the District from the unlawful activities of those who allow their dogs to foul public spaces and not clean it away, who dispose of waste in public spaces or litter those public spaces.
- To improve, in conjunction with our partners, the experience of residents and visitors during the summer-time season by enhancing services to meet the demands on those services.

Relevant Corporate Plan Theme

Delivering high quality services

Relevant Corporate Plan Priority

A7 Carbon Neutral by 2030

Lead Officer

Lee Heley

Portfolio Holder

Cllr Michael Talbot/Cllr Alex Porter

Budget

- Co-ordinated from within existing budgets.
- EV charging budget for Starlings – within the budgeted “additional estimated costs” for the scheme at £21-35K (which could be offset by grant of £16-27K if successful.)
- Measures to improve the energy efficiency of assets funded from the Asset Refurbishment/ Replacement Reserve at £1.269M (subject to the Corporate Investment Plan process)

Highlight Actions in 2022/23 to support the priority

The Council has pledged to become carbon neutral by 2030 from the Council’s own activities and from the electricity it uses. The Council has an Action Plan 2020-2023 to help it make progress towards this goal, and it will continue to deliver actions within the Action Plan. In particular, the Council will focus on improving the efficiency of the Council’s estate, and engaging externally with partners with common interests in climate action.

Quarterly Milestones in 2022/23

April-June (Q1)

Develop options for consideration by the Portfolio Holder for building improvements to reduce carbon emissions, based on energy audits.

July-September (Q2)

Decide on TDC’s low-carbon electricity purchase.

October-December (Q3)

New electric vehicle charging points installed in the District. Report on the District Council’s annual carbon emissions data.

January-March (Q4)

Complete building improvement projects to reduce carbon emissions.

Review progress against the Carbon Reduction Action Plan 2020-23 and develop a new plan for 2024 onwards assessing how to reach the 2030 net zero goal.

Intended Outcome

Reduce carbon emissions from Tendring District Council’s estate and services to make progress towards the goal of TDC becoming net zero carbon by 2030.

Relevant Corporate Plan Theme

Building Sustainable Communities

Relevant Corporate Plan Priority

B1 North Essex Garden Communities

Lead Officer

Gary Guiver

Portfolio Holder

Cllr Giancarlo Guglielmi

Budget

TDC's share of planning-related elements funded through approved Local Plan budget. Non-planning elements funded through the TCB project fund.

Highlight Actions in 2022/23 to support the priority

Working in partnership with Colchester Borough Council (CBC) and Essex County Council (ECC) to develop both the planning framework and a long-term stewardship model for a new Garden Community of 7,000-9,000 homes with associated employment opportunities and infrastructure. The Tendring-Colchester Borders (TCB) Garden Community will be an exemplar development that incorporates the very highest standards of design, architecture, planning and carbon reduction measures and delivery of the scheme will require positive cooperation with the lead development partners Latimer Clarion and Mersea Homes and continuous engagement with both existing and future communities. Priority action is for the new joint TDC/CBC/ECC Planning Committee to agree to the publication of the first draft Development Plan Document (DPD) for public consultation in line with Regulation 18 of the statutory plan-making process.

Quarterly Milestones in 2022/23

April-June (Q1)

Completion of public consultation on Draft Development Plan Document (DPD) for the Garden Community (Regulation 18 stage) – subject to agreement from the joint TDC/CBC/ECC Committee.

July-September (Q2)

Reporting results of consultation on Draft Development Plan Document to the Joint Tendring-Colchester Committee.

October-December (Q3)

Revisions to and completion of final draft DPD and associated evidence base ready for Council approval and submission to the Secretary of State.

January-March (Q4)

Final consultation on the DPD (Regulation 19) and submission to the Secretary of State.

Intended Outcome

The Garden Community will be a key driver of economic growth in North Essex. As well as addressing a significant proportion of Tendring and Colchester's long-term housing need, it will deliver a range of new jobs and training opportunities across a variety of sectors and will establish an exemplar development meeting the very highest standards of energy efficiency, green infrastructure, community stewardship, quality and design in line with the Garden Community Principles. The development is to be supported by the development of a government-funded A120-A133 link road and rapid transit system. Initial outcome is for the Development Plan Document for the Garden Community to pass through the statutory plan-making process of consultation and independent examination in order for it to be adopted by 2024 ready for the first planning applications to be considered by the new joint Committee.

Relevant Corporate Plan Theme

Building Sustainable Communities

Relevant Corporate Plan Priority

**B2Jaywick sands –
more and better
housing**

Lead Officer

Gary Guiver/Damian Williams

Portfolio Holder

Cllr Paul Honeywood

Budget

£4.4m for Jaywick WorkSpace Project.
[Subject to receiving external funding]

Budget for the Place Plan and Design Guide is £70,000.

Highlight Actions in 2022/23 to support the priority

Working with the community of Jaywick Sands and other stakeholders to develop a long-term strategic plan for the area which will provide both a basis for making future planning decisions and a strategy for seeking and securing external private and public funding towards ongoing rejuvenation of the area and tackling deprivation. Key matters to address will include improving housing conditions, provide access to training and employment opportunities, improving community facilities and infrastructure and, perhaps most challenging of all, providing a long-term sustainable future of the community in the face of climate change and the increased likelihood and risk to life and property associated with of coastal flooding.

Quarterly Milestones in 2022/23

April-June (Q1)

Jaywick Workspace and Covered Market

Start on Site. [Subject to receiving external funding]

Jaywick Sands Place Plan

- Coastal Community Team reformed as a multi-agency stakeholder group to feed into the work on the Place Plan and to include representation from the community.
- Preparation of Draft Place Plan and Design Guide material ready for public consultation.

July-September (Q2)

Jaywick Workspace and Covered Market

Enter contract with operator to market and operate the building.

Jaywick Sands Place Plan

Consultation on Design Guide and preliminary Place Plan work and consideration of responses.

October-December (Q3)

Jaywick Workspace and Covered Market

Commence Marketing to potential occupiers of the building.

Jaywick Sands Place Plan

Adoption of Design Guide as a Supplementary Planning Document and continued work on the Place Plan.

January-March (Q4)

Jaywick workspace and Covered Market

Fully Operational.

Jaywick Sands Place Plan

Preparation of Draft Place Plan for Councillor scrutiny and approval ahead of formal public consultation exercise.

Intended Outcome

Jaywick Workspace and Covered Market

Increased opportunity for economic activity in Jaywick Sands.

Jaywick Sands Place Plan

Introduction of a Design Guide for the redevelopment of existing substandard properties to higher quality flood-resilient properties and its adoption as a Supplementary Planning Document for use in the determination of planning applications. Preparation of a comprehensive 'Place Plan' to guide the long-term regeneration of the area including a strategy for improving the quality of housing, addressing flood risk and tackling social and economic issues and a strategy for securing external funding from government, the private sector and other sources.

Relevant Corporate Plan Theme

Building Sustainable Communities

Relevant Corporate Plan Priority

B4 Building and Managing our own homes

Lead Officer

Damian Williams

Portfolio Holder

Cllr Paul Honeywood

Budget

- Decisions on the Honeycroft Scheme funding are to be made. The indicative cost of the scheme is £4M
- The Housing Revenue Account Includes £614K for New Build Initiatives and acquisitions.

Highlight Actions in 2022/23 to support the priority

Working in partnership with procurement specialists at Essex County Council in order to run a tender exercise for the design and construction single storey homes suitable for older and disabled persons. The procurement exercise will result in a high profile redevelopment of around 20 bungalows at the Honeycroft site.

The redevelopment will seek to provide homes achieving appropriate energy efficiency and lifetime homes standards along with meeting other industry benchmarks for quality and design. Options for the use of Modern Methods of Construction will be included along with offering the opportunity to Small & Medium size Enterprise (SME) developers. The overall design is to recognise current landscape constraints and provide a secure yet welcoming micro community that supports independent living and quality lifestyle.

Further to the redevelopment of Honeycroft site, two further sites held within the Housing Revenue Account (HRA) will be progressed to design and tender phase such that construction can follow on once Honeycroft is completed, or in parallel if funding permits. These sites could deliver a total of ten additional council homes for rent.

Discussions with Councillors will be facilitated on a range of further potential development sites identified within the HRA and General Fund estates. Proposals around a range of disposal or development options will touch on a spectrum of priority themes and balance financial and service considerations. All of the above will be subject to appropriate (further) Cabinet and Full Council level decisions on scheme design, cost and funding.

Quarterly Milestones in 2022/23

April-June (Q1)

Honeycroft:
Undertake procurement of design and build contractor.

Acquisitions
As and when opportunities arise - Continue with a programme of property acquisitions where suitable existing (such as ex Right to Buy stock) or new build occurs.

October-December (Q3)

Honeycroft:
Completed consultation on scheme design and Planning application submitted.
Scheme costs determined and report presented to Cabinet/Full Council seeking approval on the funding.

Further HRA sites:
Scheme proposals presented to Cabinet for approval.

July-September (Q2)

Honeycroft:
Report to Cabinet to appoint contractor. Contractor appointed and scheme design prepared for consultation.

Further HRA sites:
Surveyor employed to assess sites and prepare proposals for redevelopment.

January-March (Q4)

Honeycroft:
Planning application determined
Building works commence on site.

Further HRA sites:
Planning applications submitted.

Intended Outcome

Delivery of high quality council owned homes to meet the needs of those seeking affordable housing via the Council's Housing Register.

Relevant Corporate Plan Theme

Strong Finances and Governance

Relevant Corporate Plan Priority

C2 10 year financial plan

Lead Officer

Richard Barrett

Portfolio Holder

Cllr Giancarlo Guglielmi

Budget

Current savings target included in the long-term financial forecast = £450k per annum.

Highlight Actions in 2022/23 to support the priority

To continue the development of a zero based approach to deliver the required savings over the remaining years of the long-term forecast.

This will need to be balanced against the level of cost pressures that may emerge over the same timescales along with the delivery against the emerging Corporate Investment Plan.

Updates will be included within the quarterly financial forecast reports during 2022/23

Quarterly Milestones in 2022/23

April-June (Q1)

Establish the budget areas to which the Zero based approach to budget setting will apply for 2023/24.

July-September (Q2)

In – year performance against the budget at end of Q1 reported to Cabinet with progress against £450k ongoing saving target.

October-December (Q3)

In – year performance against the budget at end of Q2 reported to Cabinet with progress against £450k ongoing saving target.

January-March (Q4)

In – year performance against the budget at end of Q3 reported to Cabinet with progress against £450k ongoing saving target.

Intended Outcome

To support a balanced budget and thereby underpin the Council's ability to deliver on its other Corporate Plan themes.

Relevant Corporate Plan Theme

Strong Finances and Governance

Relevant Corporate Plan Priority

C3 Effective and positive Governance

Lead Officer

Lisa Hastings/Anastasia Simpson

Portfolio Holder

Cllr Giancarlo Guglielmi / Cllr Lynda McWilliams

Budget

Within existing budgets.

Highlight Actions in 2022/23 to support the priority

The Council continually seeks to improve and enhance its governance arrangements and in 2022/23 further enhancements will be made. This includes actions from the Centre for Governance and Scrutiny’s Scrutiny Development Review of the Council and actions to keep the Constitution and Councillor training opportunities up to date.

Through this highlight priority the progress with such activities such as the development of a revised strategy for Inclusion and Equality will be captured. The revised Strategy, including an updated People Impact Assessment is aimed at securing robust governance arrangements are in place across the organisation. The Council is also reviewing the way it engages with the Community and a draft strategy is also being developed for approval.

Quarterly Milestones in 2022/23

April-June (Q1)

- Implement action plan ongoing from CFGS review in 2021.
- Prepare a revised community engagement strategy for the Council.

July-September (Q2)

- To take a draft Inclusion and Equality strategy to Cabinet and authorise consultation on it.
- To take a draft Community Engagement Strategy to Cabinet for approval.

October-December (Q3)

- Report on the outcome of consultation on the draft Inclusion and Equality strategy and invite appraisal of a strategy.
- Following adoption, roll out of the Community Engagement Strategy across the organisation.

January-March (Q4)

- Commence of the new Inclusion and Equality strategy training and embedding through the organisation.
- Undertake annual review of the Councils Constitution. Prepare for post-election 2023 Council.
- Induction plan and revised Allowances for Councillors.

Intended Outcome

To further deliver against the ambition and intentions set out in the Corporate Plan Theme and actions highlighted in the Council’s Annual Governance Statement realise real improvements for the District, its residents and businesses.

Relevant Corporate Plan Theme

Strong Finances and Governance

Relevant Corporate Plan Priority

C5 Use assets to support priorities

Lead Officer

Damian Williams

Portfolio Holder

Cllr Giancarlo Guglielmi

Budget

- Disposal of the Weeley Council Offices site was approved in principle on 17/12/2022. Negotiations will determine the consideration to be achieved.
- The Housing Revenue Account Includes £614K for New Build Initiatives and acquisitions.
- General Fund Asset expenditure may be funded from the Asset Refurbishment/ Replacement Reserve at £1.269M (subject to the Corporate Investment Plan process)

Highlight Actions in 2022/23 to support the priority

Appropriately disposing of land at the redundant Weeley Office Site in support of priorities.

To facilitate member decision on a range of potential development sites identified within the Housing Revenue Account and General Fund estates. Propose a range of disposal or development options that touches on a spectrum of priority themes and balances financial and service considerations.

To ensure that the Council's general fund assets support in the delivery of the Council's key priorities including the provision of modern high quality buildings for customers and staff along with a commitment to carbon neutrality.

Quarterly Milestones in 2022/23

April-June (Q1)

Weeley Council Offices
Agree terms for disposal of the Weeley site.

Other Sites
Prepare long list of potential disposal/development sites for Portfolio Holder shortlisting.

July-September (Q2)

Weeley Council Offices
Planning application submitted for Weeley site.

Other Sites
Report to members short list of potential development/ disposal sites for direction and prioritisation.

October-December (Q3)

Weeley Council Offices
Complete disposal of the Weeley Office site or equivalent contractual venture.

Other Sites
Consolidate list of energy audit actions identifying funded, fundable and aspirational projects and options for Portfolio Holder consideration.

January-March (Q4)

Other Sites
Complete a review of options for depot accommodation for member consideration.

Intended Outcome

To further deliver against the ambition and intentions set out in the Corporate Plan Theme and realise real improvements for the District, its residents and businesses.

Relevant Corporate Plan Theme

A Growing and Inclusive Economy

Relevant Corporate Plan Priority

D1 Develop and attract new businesses

Lead Officer

Lee Heley

Portfolio Holder

Cllr Neil Stock OBE

Budget

Within economic growth resource budget.

Highlight Actions in 2022/23 to support the priority

Partners have submitted a successful Outline Business Case for Freeport East, with the potential to bring investment and jobs to the Port at Harwich. On 7 December 2021 the Government formally designated the Freeport tax sides within Freeport East (including at Harwich). The Council will be an effective partner in the Freeport East programme, working with other local authorities and the Port to support efforts to bring forward Bathside Bay. The Council will work with Essex County Council and other partners to develop future proposals for the regeneration benefits that Freeport East could bring to District of Tendring.

Quarterly Milestones in 2022/23

April-June (Q1)

Freeport East submits Final Business Case.

July-September (Q2)

Decide on governance structure for Freeport East.

* Further milestones to be determined from Freeport East Final Business Case.

October-December (Q3)

To be determined based on the Freeport Final Business Case.

January-March (Q4)

Options for regeneration proposals from Freeport developed (subject to the Final Business Case).

Intended Outcome

Increased business and government investment in Freeport.

Relevant Corporate Plan Theme

A Growing and Inclusive Economy

Relevant Corporate Plan Priority

D2 Support existing businesses

Lead Officer

Lee Heley

Portfolio Holder

Cllr Mary Newton

Budget

Staffing within economic budget.
£125,000 external funding to support
Levelling Up Fund Bid

Highlight Actions in 2022/23 to support the priority

The Council has the opportunity to seek government funding to invest in its major town centres in Clacton and Harwich through the Levelling Up Fund. The Council will develop a pipeline of projects to support the District's town centres, working with partners, and seek funding for them.

Quarterly Milestones in 2022/23

April-June (Q1)

- Review Government guidance for the Levelling Up Fund and consult with partners.
- Construction commences on the Starlings Project.

July-September (Q2)

- To be determined based on Levelling Up Fund bidding process.
- Support provided to Clacton Town Centre Working Group.

October-December (Q3)

- Complete the Starlings Project.
- Options for a pipeline of future Tourism projects proposed.

January-March (Q4)

Intended Outcome

Implement Improvements to support our Town Centre economy.

Relevant Corporate Plan Theme

A Growing and Inclusive Economy

Relevant Corporate Plan Priority

D4 Promote Tendring’s tourism, cultural and heritage offers

Lead Officer

Lee Heley

Portfolio Holder

Cllr Alex Porter

Budget

Illuminate Festival: £45K
Clacton Airshow: £82K (inc on costs)
Tourism Promotion: £25K

Note: Further decisions will be published which are likely to increase this budget allocation

Highlight Actions in 2022/23 to support the priority

Tourism is a major industry for District of Tendring. The sector is worth almost £402 million to Tendring, with the industry responsible for almost 9,000 jobs, equivalent to 17.9% of the District’s employment. Most recently Clacton 150 has demonstrated the capacity of the Council to bring forward events and animate the seafront. The Council’s Tourism Strategy aims to grow the value and volume of tourism for the wider benefit of the District, with a 10 point plan. The Council will co ordinate a programme of events including the Clacton Airshow and celebrations of the Queen’s Platinum Jubilee, and bring forward proposals to support the visitor economy.

Quarterly Milestones in 2022/23

April-June (Q1)

- Motor Rally – Support First British Championships Rally of the season to take place in Tendring April 2022.
- Support a schedule of Platinum Jubilee events.
- Review the Tendring Beach Hut Strategy.
- Develop the Tendring District Sport and Leisure Strategy.

July-September (Q2)

- Promote LoveTendring App. Report on the Tendring District Sport and Leisure Strategy.
- Host the Clacton Airshow.
- Promote TDC at the Tendring Hundred show in July 2022.

October-December (Q3)

Plant trees to create a new Jubilee/Clacton 150 legacy woodland funded by the Heritage Lottery Fund.

January-March (Q4)

- Co ordinate Illuminate Festival
- Bring forward proposals for tourism and seafronts to underpin the District Wide Tourism Strategy in 2023/24
- Agree a priority places plan with the Arts Council for joint work in Tendring.

Intended Outcome

Increase the number of tourists visiting Tendring District and improve the District’s offer to them.

Relevant Corporate Plan Theme

Community Leadership Through Partnerships

Relevant Corporate Plan Priority

**E1 Health and wellbeing –
for effective services and
improved public health**

Lead Officer

Anastasia Simpson

Portfolio Holder

Cllr Lynda McWilliams

Budget

£200k grant from the North East Essex Clinical Commissioning Group (CCG)
£200k grant from the East Suffolk and North Essex NHS Foundation Trust (ESNEFT)

Highlight Actions in 2022/23 to support the priority

The Council has agreed a number of health Memoranda of Understanding primarily to support the work around health inequalities across the District. At the current time the evaluation framework is being constructed with a view to recruiting additional post holders on a temporary basis to move this work forward across communities. For example, an additional Family Solutions worker is to be recruited to support families in the Harwich area. This work will be completed with communities, stakeholders, statutory and voluntary bodies.

Quarterly Milestones in 2022/23

April-June (Q1)

Support the delivery of health and wellbeing work programme by commencing recruitment to additional posts. Key Performance Indicators to be established to underpin the Memoranda of Understandings with CCG and ESNEFT.

July-September (Q2)

Induction programmes for new postholders completed and links with the relevant partners established, including feedback to the North East Essex Health and Wellbeing Alliance Board.

October-December (Q3)

Monitor Key Performance Indicators across the health inequality work streams.

January-March (Q4)

Report back to Cabinet on progress of Health Memoranda of Understandings, Key Performance Indicators and delivery.

Intended Outcome

Supporting the Council’s ethos of ‘Community Leadership’ by delivering and influencing initiatives to support the health and well-being of our residents.

Relevant Corporate Plan Theme

Community Leadership Through Partnerships

Relevant Corporate Plan Priority

E2 Education – for improved outcomes

Lead Officer

Anastasia Simpson

Portfolio Holder

Cllr Lynda McWilliams

Budget

Within existing budgets

Highlight Actions in 2022/23 to support the priority

Working with Education partners including Essex County Council, local schools, universities and business to address the Tendring Education Strategic Board’s four key work streams – teacher recruitment, retention, school attendance and Post 16 opportunities. This work is in line with the Council’s Children and Young Person’s Strategy.

Quarterly Milestones in 2022/23

April-June (Q1)

Memoranda of Understanding to be agreed between Tendring Education Strategy Board partners. A presentation to be given to the Alliance Board to improve the links between the two Boards.

July-September (Q2)

Tendring Education Strategy Board celebration event in June 2022, showcasing the work of Tendring students and teachers throughout the pandemic.

October-December (Q3)

Review and evaluation of work across the Board, including the four work streams.

January-March (Q4)

Report back to Cabinet on the progress of the Tendring Education Strategy Board.

Intended Outcome

Working with the Tendring Education Strategic Board to support initiatives for improved outcomes for the District of Tendring and preparing the District’s young people to be job ready.

Relevant Corporate Plan Theme

Community Leadership Through Partnerships

Relevant Corporate Plan Priority

E5 – Joined up public services for the benefit of our residents and businesses

Lead Officer

Ian Davidson

Portfolio Holder

Cllr Neil Stock OBE

Budget

Within existing budgets

Highlight Actions in 2022/23 to support the priority

Through their day to day practices, Anchor institutions are usually large organisations which are local to place that have the leverage to maximize social value through their role as workforce developers, employers and procurers, their core business (health and education for instance) and linkages to the place they operate. They are large, typically non-profit organisations like hospitals, local councils, and universities . They have:

- ‘Sticky capital’ (i.e. are unlikely to move given their connection to the local population)
- Significant influence on the health and wellbeing of a local community through their sizeable assets.

Anchor organisations can shape local place by:

- Workforce Developer
- Procurement of goods and services
- Employer
- Local business and VCS incubator
- Estates and Environment

Quarterly Milestones in 2022/23

April-June (Q1)

- Analyse procurement spend across the authority, with support from EELGA consultants.
- Commence work around the integration of the green agenda into the Anchors approach.

July-September (Q2)

Support various recruitment initiatives across the Anchor partners including reverse job fairs, highlighting job opportunities with them.

October-December (Q3)

Report to Cabinet on the progress with the Essex Anchors initiative, including specific work relating to the District of Tendring.

January-March (Q4)

Determine, with Anchor partners, priorities for 2023/24 and provide an update via an All Members’ Briefing.

Intended Outcome

The Anchor movement is focused on a successful economy for Essex whilst creating and keeping skills, opportunities and employment in Essex.

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Consultation on Initial Highlight Priorities for 2022/23

The comments received from consultees is set out below and has been grouped by the relevant Corporate Plan Theme.

Delivering high quality services

Feedback from Overview and Scrutiny Committees (OSCs):

Community Leadership OSC – 10 January 2022 - Include a further priority around enhancing the public realm by investing in such areas as weed control and measures to improve public open space.

Resources & Services OSC – 12 January 2022 - As and when initiatives are brought forward, details should be provided as to how the relevant carbon reduction measures affect the Council and its partners financially (and is there a consequence for job numbers/skills of the individual measures). The proposals for Electric Vehicle charging points across the District be worked up and the consequential budgetary issues for the Council be established and shared widely.

Feedback from Members of the Public

The following represents a summary of the views expressed where multiple comments were made. Obviously, it is not possible to reflect the views of all 160 respondents.

Comments confirming the direction of the priorities	Comments seeking alternative approaches
Climate change/Carbon Neutral is important and we should improve public transport to stop people using cars.	Climate change/Carbon Neutral shouldn't be a main point of focus for this council.
Investment in electrical Vehicle charging infrastructure.	<ul style="list-style-type: none"> • Improvement of recycling services. • Longer opening hours at local recycling depots • More provision for kerbside recycling • More should be done to collect a wider range of plastics as most other councils do Bigger recycling boxes • Reducing or eliminating single use plastics, and incentivising where possible, increase recycling types available with kerbside collections, introduce recycling bins in all town centres • Glass collection along with waste collection service.
TDC should also be impressing on any potential Company putting themselves forward for a recycling contract, that all their vehicles should be environmentally friendly as	

possible, be that electrically powered by Bio-Fuel.	
More needs to be done on Dog fouling, fly tipping and littering, including more enforcement	
Keep leisure facilities open.	Try to keep leisure facilities open - Particularly in Harwich and Brightlingsea.
	Public convenience reinstatement and expansion.
	Not sufficient toilets, bins and car parks

Comments from Others

St Osyth Parish Council's comments centered on the importance of enforcement in the three proposed priority offence areas of dog fouling, fly tipping and littering. Tendring Together emphasised the partnership working on climate change to achieve reductions in carbon emissions beyond the Council. Tendring Together also referenced other areas where working with community and business organisations could achieve benefits.

Consideration of the comments received

The supportive comments for the initial highlight priorities is noted. It is clear that among a section of the community locally there is a view that recycling opportunities should be a particular highlight in 2022/23, the proposals have been revisited, and a specific priority included in recognition of those views. The work on the implementation of the Environment Act 2021 will still be important for the Council. However, the Council can still look at opportunities locally itself while the discussions with the Waste Disposal Authority continues in 2022/23. The Portfolio Holder will keep cabinet updated with those discussions.

The divergence of opinion from the public who responded on Climate Change measures is noted. Likewise, it is not surprising to see some comments about leisure facilities in Harwich and Brightlingsea. The transitional measures for those previously joint use facilities continues and the engagement group with local representatives will inform that transition.

The suggestions from the Community Leadership OSC around enhancing the public realm is noted and, no doubt, will inform the review of the service following the summer plan 2023. The Council is rightly proud of the District's public realm and it has been great to see the recognition of those spaces with awards and comments from the public.

The helpful comments from the Resources and Services OSC are likewise welcomed and the Cabinet looks forward to working with the Task and Finish Group it has established to look at these matters.

Building Sustainable Communities

Feedback from Overview and Scrutiny Committees (OSCs):

Community Leadership OSC – 10 January 2022 - To include a priority for tackling homelessness within the measures discussed at the meeting (Minute 32 above refers) with the relevant milestones.

Resources & Services OSC – 12 January 2022 - Progress with the various steps that will be part of the Stock Condition Survey to be undertaken in 2022/23 – in view of the important role the Council has as a major local landlord and the need to prepare for the implications of the Hackett review and revisions to the Decent Homes Standard.

Feedback from Members of the Public

The following represents a summary of the views expressed where multiple comments were made. Obviously, it is not possible to reflect the views of all 160 respondents.

Comments confirming the direction of the priorities	Comments seeking alternative approaches
<ul style="list-style-type: none"> • Focus on Clacton Town centre being revived. • Making the Town Centre more vibrant. • Town Centre renewal/improvement • Investigation of long term empty and derelict properties 	
Focus for Jaywick Sands plans.	There is too much focus on Jaywick and lots of money is spent with no real change to the area.
Investment in deprived areas of the District.	
	The Garden Communities is negative and shouldn't be a focus.

Comments from Others

St Osyth Parish Council supported measures for future social housing to provide a secure yet welcoming micro community that supports independent living and quality lifestyle.

Consideration of the comments received

The comments from the public overall echo the priorities of the Council to address need and to stimulate change and improvement where this is possible. It is right that spending decisions, for instance, in respect of Jaywick Sands, is explained adequately so that the public understand what the Council is seeking to achieve and how it is able to leverage in funds to supplement the Council's own commitments. The development of the Place Plan will help communicate that message.

The comments from the OSCs on homelessness and the Council's role as a landlord are much appreciated. Cabinet shares the views expressed that the Council needs to do all that it reasonably can (with its partners) to address homelessness and those at risk of becoming homeless and to approach its own housing provision such that it looks forward and is well placed to deal with the challenges it will face. On this last point, the Housing Revenue Account surplus for 2022/23 of £0.333m has been set aside within the capital programme to support the investment in existing tenant's homes, which will reflect the outcome of the proposed stock condition survey.

Strong Finances and Governance

Feedback from Overview and Scrutiny Committees (OSCs):

There were no specific submissions in respect of this theme from the two OSCs.

Feedback from Members of the Public

The following represents a summary of the views expressed where multiple comments were made. Obviously, it is not possible to reflect the views of all 160 respondents.

Comments confirming the direction of the priorities	Comments seeking alternative approaches
Dealing with land of old Weeley office.	
Council assets need to be used not left vacant, these are a drain on resources	
Dispose of assets but use money to regenerate district.	
	Inclusion and equality should not be a focus.
	Savings shouldn't be made as a result of cutting services e.g. Harwich Sports Centre
The council needs to adopt a policy of transparency so that the people who put them into administration are treated in an open and honest manner	

Comments from Others

The financial issues facing the Council were commented upon by both Tendring Together and St Osyth Parish Council

Consideration of the comments received

The approach of the Council to budget setting has helped it to weather the storms of annual changes in income and expenditure over the past few years. This in turn has assisted it as it faces the coming years. This should not be read as reducing the need to find savings for the Council to balance its books. These savings may be unpalatable to the most affected and the Council will do all it can to mitigate the effects. This use of assets will mean disposal of certain assets and the opportunity disposal gives us to see positive investment in the District; through the Council or other development.

In relation to inclusion and equality, the Council wants to ensure the skills and talents locally are harnessed; through service delivery and in the Council's role as an employer. Recommitting to those principles is good governance, demonstrating the Council is behaving with integrity, has a strong commitment to ethical values and respecting the rule of law. Refreshing the Strategy has been highlighted in the Council's Annual Governance Statement together with its underpinning policies and procedures.

The Council is committed to transparency and regularly reports extensively in relation to what it spends money on. The Strategies, Policies and Plans of the Council that guide individual decisions are already in the public domain. Advance Notice of individual Executive decisions are given in public and these are then followed by the decisions themselves. Within the Council there are rights of every Council to access information and to shape and influence decisions through questions, submissions and addressing Cabinet, Council and Planning Committee. The public too may request information, including under the Freedom of Information or Data Protection Acts, and only in limited cases will the information not be provided based on the legal limits enshrined by Parliament.

A Growing and Inclusive Economy

Feedback from Overview and Scrutiny Committees (OSCs):

Community Leadership OSC – 10 January 2022 - Within the existing proposed highlight priority for Town Centres in the District that the role of towns such as Brightlingsea, Frinton-Walton, Harwich and Manningtree in supporting the economic wellbeing of the District be recognised and measures to enhance those Town Centres and further improve their role in generating a vibrant local Town Centre experience be included for 2022/23.

Resources & Services OSC – 12 January 2022 - Include measures to increase the numbers and extend the percentage of visitors to the area that can (and do) stay overnight and thereby increase dramatically the spend locally by visitors.

Feedback from Members of the Public

The following represents a summary of the views expressed where multiple comments were made. Obviously, it is not possible to reflect the views of all 160 respondents.

Comments confirming the direction of the priorities	Comments seeking alternative approaches
Boost tourism.	
Tall ship festival in Harwich to compliment Air show.	
Freeport east is a great opportunity providing A120 is improved.	
Investment on local independent businesses.	
Develop facilities and shops in Clacton	

Comments from Others

The means by which those who make investment decisions to locate major quality retail outlets was commented upon by St Osyth Parish Council. Issues around parking for visitors and provision of events was seen as issues that can support visitor numbers to Clacton-on-Sea. Tending Together emphasised the role of the community and voluntary sector can play in a vibrant local economy.

Consideration of the comments received

The comments from the public express the wish of the Council and explain why the Council has set its highlight priorities it has within this Corporate Plan Theme. The Resources and Services OSC also echoes the ambition of the Council's Tourism Strategy and, no doubt, the

Committee will play its usual critical friend role in monitoring how the Strategy’s ambition is being delivered. In the same way, the Community Leadership OSC’s recommendation reminds us all that we have very successful towns in the District and these have a charm and attraction we can work with the relevant Town and Parish Councils to maintain and enhance as opportunities arise.

Community Leadership Through Partnerships

Feedback from Overview and Scrutiny Committees (OSCs):

Community Leadership OSC – 10 January 2022 - Measures to support the Sport and Leisure activities across the district and to encourage increased activity levels across a range of the population district wide.

Resources & Services OSC – 12 January 2022 - Delivery of key elements of the emerging Sports and Leisure Strategy – given the need to take forward the range of actions to improve activity levels not just among those who are currently not active but also among those who are moderately active and across all parts of the District.

Feedback from Members of the Public

The following represents a summary of the views expressed where multiple comments were made. Obviously, it is not possible to reflect the views of all 160 respondents.

Comments confirming the direction of the priorities	Comments seeking alternative approaches
Health and education are key areas.	
<ul style="list-style-type: none"> • Education must take priority. • Focus on education and post 16 opportunities. • Improved teen activity areas like skate parks, youth clubs, drama and dance schools • After school activities, especially sports need more funding 	Leave education to Essex County Council
	Needs to be groups or organisations for the older generation
<ul style="list-style-type: none"> • The provision of adequate health care should be a priority. • Health and medical services should be a priority 	
<ul style="list-style-type: none"> • Lack of exercise facilities • More provision of cycling and pedestrian infrastructure 	
Secure more funding is essential.	
Give/plan something for the younger generation.	

Comments from Others

The proposed priority around addressing health inequalities was access to health services were issues raised by Tendring Together and St Osyth Parish Council.

Consideration of the comments received

The overlapping comments from the two OSC, and from the public, on supporting the development of sport and leisure opportunities is welcome. This impetus will assist the Council as it looks to develop the District-wide Sports and Leisure Strategy. Future highlight priorities may well then suggest themselves to be included in 2022/23 or subsequent years.

The comments on health and education will likewise support our role with partners such as Essex County Council, local Academy Trusts, the Clinical Commissioning Group and Integrated Care Service on the needs.

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CABINET

25 FEBRUARY 2022

REPORT OF THE LEADER OF THE COUNCIL

A.3 PRINCIPLE OF DISPOSAL OF LAND FOR ACCESS TO ADJOINING REDEVELOPMENT, VIA HOUSING ESTATE LAND IN STOURVIEW AVENUE, MISTLEY

(Report prepared by Andy White)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider, in principle, whether to dispose of land in Stourview Avenue, Mistley to provide access to an adjoining potential development.

EXECUTIVE SUMMARY

The Council has freehold ownership of land in Stourview Avenue and adjoining roads. The land includes dwellings and areas for a range of related amenity uses (an estate). The estate is of mixed tenure but the majority of dwellings remain in the Council's ownership and are tenanted. The estate area is shown edged red on the plan attached at Appendix A

A developer seeks access to adjoining potential development land shown edged pale blue on the plan attached at Appendix A via a verge and a section of scrub land to the East of Stourview Avenue; the land is within the estate and the sale of it offers the opportunity for the Council to gain a capital receipt and facilitate new homes with very little effect on the existing housing areas. The plan attached as Appendix A shows the potential access, which has planning permission, coloured Magenta.

Officers and a commercial agent acting for the Council have negotiated terms for the freehold disposal of the verge land and an isolated area North of the Council's housing. Full details of terms of the option are given in the report in Part B of this agenda.

Ordinarily this report would be presented by the Deputy Leader. In this case the Portfolio Holder has declared an interest and has asked for the report to be presented by the Leader of the Council.

RECOMMENDATION(S)

It is recommended that:

Cabinet resolves in principle to dispose of the land in Stourview Avenue, Mistley in order to facilitate access to a proposed adjoining development.

REASON(S) FOR THE RECOMMENDATION(S)

The proposed disposal will generate a capital receipt in the HRA which can be used for investment in priorities and will facilitate provision of new homes on the adjoining land.

ALTERNATIVE OPTIONS CONSIDERED

1. Declining to dispose of the land - not proposed – would not lead to any benefit to the Council or Community.

2. Disposing of the land to another party – not proposed – the land has a premium value to the adjoining developer.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES			
Corporate priorities include:			
Building and managing our own homes	Balanced annual budget		
10 year financial plan	Use assets to support priorities		
Support existing businesses			
OUTCOME OF CONSULTATION AND ENGAGEMENT			
The development and access has been subject to two planning applications and an appeal. The Chair of the Tenants' Panel has been consulted on the generality and is supportive of the principle of disposal of underused resources in order to fund works and improvement.			
LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date): N/A	
<p>In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Cases assessing principles of Section 120 of Local Government Act 1972 confirm that the Council is obliged to ensure that the management of its assets are for the benefit of the district; this verge land is unused and disposal will provide a substantial capital receipt in the HRA and is viewed by the Officers to be of benefit to the district.</p> <p>Section 32 of the Housing Act 1985 together with the General Housing Consent 2013, Consent A gives the Council discretionary power to dispose of land held under Part II of the Housing Act 1985 that has not been developed/is vacant. In this case the land is held under Pt II of the Housing Act 1985. It includes no dwellings and accordingly Secretary of State consent is not necessary because the General Housing Consent 2013, Consent A applies.</p> <p>Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained. Details of the proposed terms are set out in the report in appendix B of this agenda.</p> <p>The land is used only as verge and some scrub. It therefore does not need to be advertised prior to disposal as required for public open space.</p>			
<input type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		

Ordinarily this report would be presented by the Deputy Leader. In this case the Portfolio Holder has declared an interest and has asked for the report to be presented by the Leader of the Council.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The disposal of the land will provide a significant capital receipt within the HRA. Residential development can assist the Council on the wider financial position with New Homes Bonus and ongoing Council Tax income.

Terms for the proposed disposal are set out in the report in Part B of this agenda.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The disposal represents an opportunity for the Council to gain a capital receipt within the HRA which can be used to invest in priorities.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The negotiations have been led by external valuers and agents appointed. The process has been conducted in line with the Council's Property Dealing Policy. The Agent recommends that the deal outlined in the report in Part B of this agenda comprises the Best Consideration Reasonably Obtainable.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

It is proposed that solicitors are instructed directly upon the expiry of the call in period (or any call-in being resolved) and that completion is achieved as soon as possible following agreement between the parties' solicitors. The Deputy Chief Executive may elect to appoint external solicitors for resourcing reasons.

ASSOCIATED RISKS AND MITIGATION

Officers have not identified any significant risk associated with the proposals.

EQUALITY IMPLICATIONS

Officers have considered the proposals and have not identified any substantial effect. The potential capital receipt is significant and could facilitate HRA investment.

SOCIAL VALUE CONSIDERATIONS

The proposed disposal will facilitate the construction of new homes in the district and a capital receipt in the HRA which can be used to invest in priorities. The Council has no direct control over the engagement of employees for the development project or over the occupancy of completed dwellings but it appears likely that there will be local employment and homes resulting.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

New homes will be built to current standards.

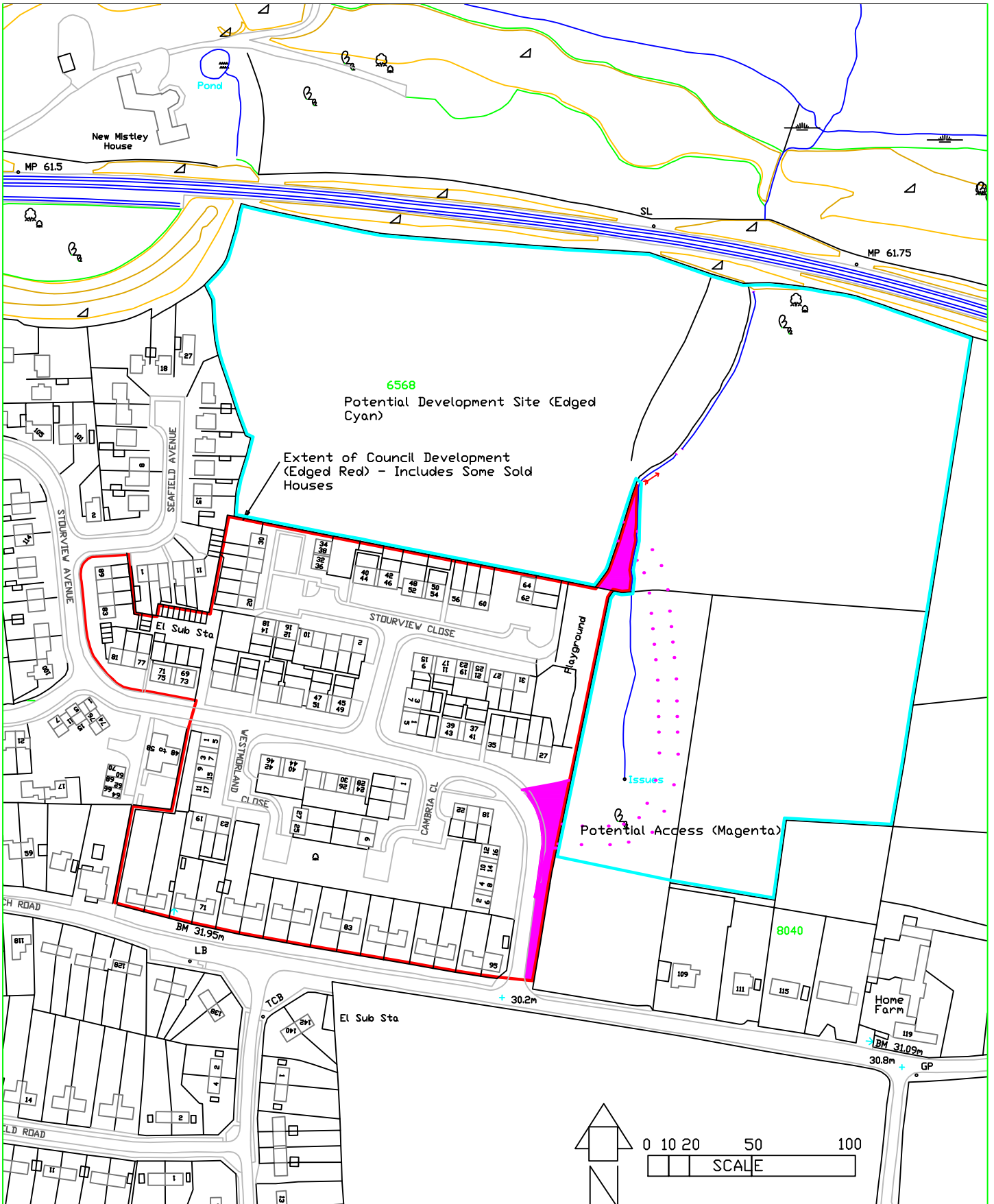
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Officers have considered the proposals and have not identified any substantial effect. The potential capital receipt is significant and could facilitate HRA investment.
Health Inequalities	
Area or Ward affected	Lawford, Manningtree and Mistley

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Council has freehold ownership of land in Stourview Avenue and adjoining roads. The land includes dwellings and areas for a range of related amenity uses (an estate). The estate is of mixed tenure but the majority of dwellings remain in the Council's ownership and are tenanted. The adjoining potential development has planning permission.</p> <p>The developer proposes to form a new roadway off Stourview Avenue using TDC land which is unused verge and a separate section of scrub at present. The approximate location is shown on the plan attached as Appendix A.</p> <p>The developer seeks to secure access rights to facilitate the development, having gained planning permission.</p> <p>There is no direct impact on any currently tenanted land or dwellings. The verge is not used for any authorised domestic or recreational purpose.</p> <p>The proposed disposal could lead to benefit to the Council in two respects –</p> <ol style="list-style-type: none"> 1. The access provision of access unlocks a development site and could generate a significant capital receipt; and 2. The adjoining development, would contribute to the provision of homes in the District, and contribute to the provision of services by way of the New Homes Bonus and ongoing Council Tax income.
PREVIOUS RELEVANT DECISIONS
<p>On 17 October 2014 the Regeneration, Inward Investment and Asset Management Portfolio Holder authorised the initiation of the disposals process.</p>
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
<p>Planning applications and considerations are available on the Council's web site.</p>

APPENDICES
Appendix A – Location Plan

REPORT CONTACT OFFICER(S)	
Name	Andy White
Job Title	Assistant Director – Building and Public Realm
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Rev C. ARW 11 Feb 2022 North area added, titles revised, extent updated.
 Rev B. ARW 12 Jul 2016 Potential development boundary added, access area shaded.
 Rev A. ARW 02 Oct 2014 Extents revised. New access option added.

TENDRING DISTRICT COUNCIL

Andrew R White BSc MRICS
 BUILDING AND PUBLIC REALM

title: Land at Stourview Close
 Mistley

drawing: LOCATION PLAN
 Page 63

scale: 1:2500

drawn by: AR WHITE

date: 28 May 2013

drwg.No. revision

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CABINET

25 FEBRUARY 2022

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.4 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

(Report prepared by Ian Ford, Committee Services Manager and Lisa Hastings, Monitoring Officer)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

The main proposals cover a number of miscellaneous amendments to the Council Procedure Rules, Articles of the Constitution, Overview and Scrutiny Procedure Rules, the Property Dealing Procedure and the Procurement Procedure Rules in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level. The key changes to each of these documents are highlighted within the body of this Report.

In addition, there are proposals relating to matters including the size of Committees (following a review previously requested by Full Council), start times for meetings of the Council and various Committees, consideration of motions at Full Council meetings, training for members of an overview and scrutiny committee, moving to a "paperless" working environment, and a protocol for the live webcasting of meetings.

EXECUTIVE SUMMARY

The Review of the Constitution Portfolio Holder Working Party (CRWP)'s membership included the Portfolio Holder and Councillors Allen, Barry, Coley, I J Henderson, M E Stephenson, Talbot, Wiggins and Winfield (with Councillors Fowler and Placey as designated substitutes). The CRWP met on 19 November 2021, 17 December 2021, 14 January 2022 and 31 January 2022.

A summary of the proposed changes compared to the existing Parts of the Constitution is provided under each heading in the background section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it is in accordance with legislation, where necessary.

RECOMMENDATION

1. That Cabinet **RECOMMENDS TO COUNCIL** that:

(a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A – K, & M attached hereto this report and that those changes come into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council;

(b) with effect from the Annual Meeting of the Council on 26 April 2022, the Committees

listed below be reduced in size as follows:-

Audit = 5 Members (from 7 Members);

Human Resources & Council Tax = 7 Members (from 9 Members);

Licensing & Registration = 7 Members (from 9 Members); and

Planning Policy & Local Plan = 9 Members (from 11 Members).

- (c) the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.
- (d) commencing with the newly elected Council in May 2023, Members of the Tendring District Council will operate in a “paperless” environment e.g. by providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents.
- (e) in the meantime Members of the Tendring District Council continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.
- (f) in relation to Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees), the Monitoring Officer be authorised to define what is meant by the word “mandatory” and to also decide whether the training offered/provided is/was sufficient and “fit for the purpose” to be contained within guidance and issued to members of those Committees accordingly.
- (g) the reduction in the number of formal scheduled meetings for the Council’s overview and scrutiny committees should be maximised to focus on the principles established in the Executive – Scrutiny Protocol and work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council’s Corporate Plan.
- (h) the Protocol for the webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees, as set out in Appendix L, be approved and incorporated into Part 6 of the Constitution and that it comes into effect on 27th April 2022 i.e. the day after the Annual Meeting of the Council.
- (i) Council notes that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-
- Article 12 (Officers);
 - Removal of those provisions within the Council’s Constitution that had been inserted in accordance with the (now defunct) “Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]”;
 - The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee; and

- The list of Proper Officers within the Scheme of Delegation.

2. That Cabinet resolves that:

- (a) the definition of a Key Decision, as contained in Article 13.03 of the Council's Constitution, be reviewed as part of the annual review of the Council's Treasury Strategy;
- (b) the Councillor Development Portfolio Holder Working Party be requested to consider and report back to Cabinet whether, in the light of the Centre for Governance & Scrutiny's recommendation, members of this Council's overview and scrutiny committee(s) should receive mandatory training; and
- (c) the Deputy Chief Executive & Monitoring Officer be requested to produce and submit to the Leader of the Council, for his consideration, terms of reference and a scheme of delegation for a Road Naming Portfolio Holder Working Party.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, and in order to enable those recommendations to be submitted to the Full Council for approval and adoption.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve some or all of the Portfolio Holder's recommendations;
- (2) To amend or substitute some or all of the Portfolio Holder's recommendations.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

The Council has adopted a Climate Change Action Plan and the encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) and reverting to solely receiving summons via electronic notifications from May 2023 is consistent with the Council's Policy of its operations becoming carbon neutral by 2030.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The outcome of the annual review of the Constitution by the Review of the Constitution Portfolio Holder Working Party is reported elsewhere in this report. During the review members of the working Party consulted, as appropriate, the members of their respective political groups. In addition, political group leaders and their deputies were invited to attend the Working Party's meeting held on 14 January 2022 in order to provide their direct input on certain aspects of the review.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000
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(see the criteria stated here)		expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
	And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	Not Applicable in this instance

X The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

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

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

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

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

FINANCE AND OTHER RESOURCE IMPLICATIONS

Risk

Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.

X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

The Section 151 Officer provided feedback on some of the proposed amendments through the review.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure	N/A
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it can continue to deliver its services;	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	N/A
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	N/A
MILESTONES AND DELIVERY	
<p>Annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party – November 2021 to January 2022.</p> <p>Submission of Corporate Finance & Governance Portfolio Holder’s recommendations to formal Cabinet meeting – 25 February 2022.</p> <p>Submission of Cabinet’s recommendations to Full Council for approval and adoption – 29 March 2022.</p> <p>Implementation of approved changes to the Constitution – 27 April 2022.</p>	
ASSOCIATED RISKS AND MITIGATION	
Not implementing the amendments to the Constitution will negatively impact the Council’s governance arrangements.	
EQUALITY IMPLICATIONS	
<p>The purpose of the Constitution is to:</p> <ol style="list-style-type: none"> 1 Provide key elements of the Council’s overall governance arrangements; 2 Enable decisions to be taken efficiently and effectively; 3 Create an effective means of holding decision-makers to public account; 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District; 5 Support the involvement of the local community in the process of local authority decision making; 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved; 7 Help Councillors represent their residents more effectively; 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and 9 Provide the framework and structure in which cost effective quality services to the community are delivered. 	
SOCIAL VALUE CONSIDERATIONS	
None	
IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030	
The encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) and reverting to solely receiving summons via electronic notifications from May 2023 is consistent with the Council’s Policy of its operations becoming carbon neutral by 2030.	

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The CRWP reviewed various areas of the Constitution and the following changes are recommended (note that references to Part numbers relate to the Constitution prior to any amendments now submitted):</p> <p>(a) <u>Council Procedure Rules – Section 1 (Full Council)(Part 4.1 to 4.28):</u></p> <p>In addition to a number of amendments removing the provisions for remote meetings:-</p> <p><u>Rule 1 (xiii) – Business for the Annual Meeting of the Council</u></p> <p>Remove the requirement to consider the work programme for the overview and scrutiny committees, which are now agreed later in the municipal year.</p> <p><u>Rule 16 – Rules of Debate (Amendments to 16.5 (Amendments to Motions); 16.8 (Right of Reply); and 16.10 (Closure Motions)</u></p> <p>In order that the Secunder of a Motion is the penultimate Member to speak under the Rules of Debate.</p> <p>In addition, any amendment proposed to be made to a motion that may have budgetary implications must have been submitted to the Council’s Section 151 Officer at least two working days before the Full Council meeting to enable them to consider the implications for the Council’s finances.</p> <p>Furthermore, no amendment will be accepted that could bind or fetter the Executive or a Committee in relation to matters that are within the responsibility of the Executive or a Committee of the Council.</p> <p><i>The proposed changes to the Council Procedure Rules (Section 1) are shown in RED in Appendix A.</i></p> <p>(b) <u>Council Procedure Rules – Section 2 (Committees)(Part 4.29 to 4.34):</u></p> <p>In addition to a number of amendments removing the provisions for remote meetings:-</p> <p><u>Rule 33.2 – Eligibility of the Planning Policy & Local Plan Committee</u></p> <p>Restriction on membership not to overlap the Planning Committee to be removed due to Section 2 of the Council’s Local Plan now being adopted.</p>

Rule 33.3 – Training Requirements

Additional wording inserted to allow the Monitoring Officer to provide further guidance on the meaning of ‘mandatory’ and ‘fit for purpose’ for the various training sessions delivered to the different committees.

Rule 36 – Attendance at Meetings

To include a formal right for the Chairman of the Planning Committee to attend and to speak, on behalf of the Planning Committee, on Report items that were to be considered by the Planning Policy & Local Plan Committee.

The current Chairman of the Planning Policy & Local Plan Committee (Councillor Turner) has, as a matter of courtesy and practice, extended a standing invitation to the Chairman of the Planning Committee to attend and to express that Committee’s views and comments on the Report items that are being considered by the Planning Policy & Local Plan Committee.

To also make clear that the Council’s Statutory Officers and Chief Executive, have the right to attend any Committee meeting to address the Committee on an item of business, in accordance with their overarching obligations and duties.

During its meeting held on 14 January 2022 the CRWP was informed and duly noted that certain wording within this Rule is at odds with the wording and intention of Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting). Whilst the CRWP did not record a firm decision at that time it would nevertheless be advantageous to make an amendment to Rule 36 at this time in order that Rule 36 and Rule 12.6 no longer contradict each other.

*The proposed changes to Section 2 of the Council Procedure Rules are shown in **RED** in **Appendix B**.*

(c) Article 7.08 (Cabinet Procedure Rule 1.2)

Amendments removing the provisions relating to remote meetings, and to make reference to the Council’s written formal Protocol for filming and recording meetings of the Full Council, Cabinet and Committees (including the platform used for streaming).

In order also to make clear that the Council’s Statutory Officers and Chief Executive, have the right to attend any Committee meeting to address the Committee on an item of business, in accordance with their overarching obligations and duties.

*Proposed changes to Article 7 are shown in **RED** in **Appendix C**.*

(d) Article 3 (Citizens and the Council)

In order to remove reference to remote meetings and a member of the public’s right to attend such a meeting and to include reference to the Housing Ombudsman in the complaints section.

*Proposed changes to Article 7 are shown in **RED** in **Appendix D**.*

(e) Delegated Powers – Powers Delegated to the Chief Executive (Part 3.8 & 3.9 and 3.45)

In order to:-

- (1) include an additional delegated power to the Chief Executive whereby he would have the power to authorise compensation payments (up to a proposed maximum of £5,000) as a result of recommendations made by the Local Government & Social Care Ombudsman, or by the Housing Ombudsman, or by virtue of the Council's Corporate Complaints Procedure. This amendment would be included as a new Number 11 on Part 3.9 (Green pages) under the Responsibility for Non-Executive Functions (Full Council) section in Schedule 2 in Part 3 of the Constitution; and
- (2) to amend some of the Chief Executive's delegated powers in relation to Electoral matters (in particular, in relation to designations of polling districts and polling places) and to also delete references to European Parliamentary elections.

The reasoning behind these suggested changes include:-

- (1) to formally include within the Council's Constitution, in the interests of transparency and openness, a power that the Chief Executive has previously exercised; and
- (2) to correct discrepancies, clarify the Chief Executive's powers and to also reflect the fact that the UK is no longer part of the EU.

*The proposed changes to Delegated Powers are shown in **RED** in **Appendix E**.*

(f) Terms of Reference of the Audit Committee

In order to clarify which external inspection reports that Committee should receive.

*The proposed changes to the terms of reference of the Audit Committee are shown in **RED** in **Appendix F**.*

(g) Property Dealing Procedure (Part 5): (Part 5.62 to 5.64)

In order to amend the Property Dealing Procedure (specifically, the table in Appendix A (Levels of Decision Making) [Part 5.63 in the Cream pages]) in order to more properly reflect the decision making process required for operational purposes.

The aforementioned table currently indicates that only the Portfolio Holder with responsibility for Assets makes decisions on the listed "rights and interests". However, the Portfolio Holder for Housing should also be making such decisions where they relate to the Housing Revenue Account and therefore it would be appropriate to amend the Appendix to reflect this.

*Proposed changes to the Property Dealing Procedure are shown in **RED** in **Appendix G**.*

(h) Procurement Procedure Rules (Part 5): (Part 5.76)

In order to include an operational change requested by the Council's Chief Financial Officer whereby, under Procurement Procedure Rule 4.3.8, the process of accepting the tender when only one Tender was received would include the relevant Portfolio Holder together with the Portfolio Holder for Corporate Finance and Governance.

*The proposed changes to the Procurement Procedure Rules are shown in **RED** in **Appendix H**.*

(i) Article 13 – Decision Making (Part 2): (Part 2.51 to 2.52)

In order to make it clear that the Chief Executive, Chief Financial Officer (Section 151 Officer) and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such instances, the Committee or Sub-Committee in question will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.

*The proposed changes to Article 13 are shown in **RED** in **Appendix I**.*

(j) Article 6 – Overview and Scrutiny Function (Part 2): (Part 2.14 to 2.16)

Article 6.02 (Terms of Reference) - In order to reflect that the number of meetings of the overview and scrutiny committees will be reduced.

*The proposed changes to Article 6 are shown in **RED** in **Appendix J**.*

(k) Overview and Scrutiny Procedure Rules (Part 5)

Rule 4 (Meetings of the Committees) – In order to reflect that the number of meetings of the overview and scrutiny committees will be reduced.

Rule 15 (Members and Officers Giving Account) - In order to make it clear that the Chief Executive, Chief Financial Officer (Section 151 Officer) and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such instances, the Committee or Sub-Committee in question will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.

*The proposed changes to the Overview & Scrutiny Procedure Rules are shown in **RED** in **Appendix K**.*

OTHER MATTERS CONSIDERED:

1. Reduction in the size of membership of Committees

On 22 January 2019 Full Council approved the current Committee structure and their sizes of membership which then came into effect with the new 48 member Council at the May 2019 Elections. This had followed a review by the CRWP, and subsequently the Cabinet. The current structure is as follows:-

- *Audit Committee = 7 Members*
- *Community Leadership O & S Committee = 9 Members*
- *Human Resources & Council Tax Committee = 9 Members*
- *Licensing & Registration Committee = 9 Members*
- *Planning Committee = 9 Members*

- *Planning Policy & Local Plan Committee = 11 Members*
- *Resources and Services O & S Committee = 9 Members*
- *Standards Committee = 7 Members*

- *Miscellaneous Licensing Sub-Committee = 5 Members*
- *Premises/Personal Licences Sub-Committee = 3 Members*
- *Town & Parish Councils Standards Sub-Committee = 3 TDC Councillors (plus 3 Parish Councillors)*

- *Joint Committee – TCBGC (with CBC & ECC) = 3 TDC Councillors [this was formally established by Full Council on 30 November 2021]*

Furthermore, Full Council, at its meeting held on 16 March 2021 (Minute 104 refers), decided, inter alia, that: *“the Review of the Constitution Portfolio Holder Working Party be requested, as part of its next annual review of the Council’s Constitution, to revisit the committee structure of the Council”.*

Accordingly, the CRWP, at its meeting held on 19 November 2021 (Note 2 refers), considered how effectively this structure had operated in practice. Suggested areas to consider had included:-

- (i) The number of O & S Committees – TDC currently has 2. TDC has had 1, 3 and 4 O & S Committees at various times in the past. The Centre for Governance & Scrutiny (CfGS) has recommended that the Council look to make greater use of Task and Finish Groups to undertake scrutiny enquiries. This suggested therefore that fewer, if any enquiries, would be undertaken at formal Committee meetings. It was therefore opportune for the Council to look at the constitutional requirements for two OSCs and whether a single ‘commissioning’ OSC should be established that would then establish Task and Finish Groups for all enquiries and then receive the reports from those Groups.

- (ii) The establishment of an Appeals Committee – The Joint Negotiating Committee for Chief Executives of local authorities has written to Councils in England to request that they reviewed the structures required to manage model disciplinary procedures in accordance with the requirements set out in the Model Disciplinary Procedure and Guidance in the JNC Conditions of Service Handbook.

The CRWP had **AGREED**, inter alia, –

- (a) *“that, in principle, the Committees listed below be reduced in size as follows:-*

Audit = 5 Members (from 7 Members);

Human Resources & Council Tax = 7 Members (from 9 Members);

Licensing & Registration = 7 Members (from 9 Members); and

Planning Policy & Local Plan = 9 Members (from 11 Members).

- (b) *that the Head of Democratic Services & Elections submit, to a future meeting of the CRWP, proposals (including an amended Article 6 and amended Overview & Scrutiny Procedure Rules) for abolition of the Community Leadership O & S Committee and the Resources and Services O & S Committee and the establishment instead of a single ‘commissioning’ O & S Committee which would establish task and finish groups for all inquiries (which would be linked to the Council’s Corporate Plan) and then receive and consider the reports from those groups.*

(c) *that the CRWP notes that the Monitoring Officer, in the light of the receipt of the letter from The Joint Negotiating Committee for Chief Executives of local authorities, will be carrying out a fundamental review of the terms of reference of the Human Resources & Council Tax Committee.*”

2. Review of Procedure for Dealing with Motions to Council submitted Pursuant to Council Procedure Rule 12

Full Council, at its meeting held on 21 July 2020, and following consideration by the CRWP and subsequently the Cabinet, had approved alterations to Council Procedure Rule 12 including that:-

“A maximum of 2 motions shall be accepted at an Ordinary Meeting, and dealt with on the night, in accordance with Rule 12.4 once moved and seconded, unless Council decides to refer the motion to the Cabinet or relevant Committee.

A maximum of 30 minutes debate to be allowed per motion and any and all amendments to also have a maximum of 30 minutes debate. Such time period will not now include the Opening or Closing Speeches referred to in Rule 12.4.

Any motion listed on the Agenda for an Extraordinary meeting of the Council will automatically be dealt with at the meeting in accordance with Rules 16, 19, 23, 24, 25, 28 and 29, as applicable.”

At its meeting held on 19 November 2021 (Note 3 refers) the CRWP considered how effectively those changes had operated in practice.

The CRWP had agreed that the Monitoring Officer be requested to submit to a future meeting of the CRWP for Members’ consideration an amended Council Procedure Rule 12 which will have been revised to reflect the changes put forward by Members at the meeting.

The CRWP subsequently considered the previously requested proposals at its meeting held on 14 January 2022 (Note 28 refers) and upon reflection had:-

“AGREED, inter alia, that the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that the CRWP be requested to carry out a fundamental review of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.”

3. Meeting Times of Full Council and Committees

At the request of its Chairman, the CRWP discussed the meeting times of meetings of the Full Council and its Committees (Note 6 – 19.11.21 refers). Full Council at its meeting held on 22 January 2019 had resolved, inter alia, to keep Council’s start time at 7.30 p.m. in order to help those Members who were in employment.

The current start times for Committees are as follows:-

Daytime Committees

Audit Committee = 10.30 a.m.

Standards Committee = 10.00 a.m.

Miscellaneous Licensing Sub-Committee = 10.00 a.m.

Premises/Personal Licences Sub-Committee = 10.00 a.m.

Evening Committees (6.00 p.m. starts)

Planning Committee
Planning Policy & Local Plan Committee

Evening Committees (7.30 p.m. starts)

Community Leadership O & S Committee
Human Resources & Council Tax Committee
Licensing & Registration Committee
Resources and Services O & S Committee

The CRWP agreed that –

(a) *it supports, in principle, that with effect from the Annual Meeting of the Council following the 2023 District Council Elections, the start time for the following bodies be brought forward to 7.00 p.m. from 7.30 p.m.:-*

*Full Council
Human Resources & Council Tax Committee
Licensing & Registration Committee
Overview & Scrutiny Committee(s)*

(b) *the Head of Democratic Services & Elections email all Members of the Council to canvass their views on the above proposal.*

Subsequently, at the CRWP's meeting held on 14 January 2022 (Note 29 refers), it was reported that 30 responses had been submitted to the Head of Democratic Services out of 48 Members of the Council. Of those 30, 14 had supported a start time of 7.00 p.m. and 13 had supported a start time of 7.30 p.m. The other three responses had either expressed no preference or had suggested a start time of either 7.00 p.m. or 6.30 p.m.

The CRWP therefore **AGREED** *“that the Corporate Finance & Governance Portfolio Holder be requested to recommend to Full Council (via the Cabinet) that, with effect from the Annual Meeting of the Council following the 2023 District Council Elections, the start time for the following bodies be brought forward to 7.00 p.m. from 7.30 p.m.:-*

*Full Council
Human Resources & Council Tax Committee
Licensing & Registration Committee
Overview & Scrutiny Committee(s).”*

The Portfolio Holder for Corporate Finance and Governance notes the outcome of the survey of Members and that the results were very close and he has decided not to progress with recommending any changes to the start time to meetings.

4. Members moving to being "Paperless" from the May 2023 District Council Elections

At its meeting held on 19 November 2021 (Note 7 refers) the CRWP considered a proposal from the Chairman that, commencing with the newly elected Council in May 2023, Members would operate in a “paperless” environment e.g. providing agendas/reports etc. to Members by

electronic means only and to cease entirely the provision of printed (and posted) copies of such documents.

It was felt that this would help the Council in its aim of becoming “Carbon Neutral” and to also help save the Council money and resources.

The CRWP **AGREED** “*that -*

- (a) *the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that, commencing with the newly elected Council in May 2023, Members would operate in a “paperless” environment e.g. providing agendas/reports etc. to Members by electronic means only and to cease entirely the provision of printed (and posted) copies of such documents; and*
- (b) *in the meantime Members continue to be encouraged to give their consent for the Council and Committee Agendas to be transmitted (i.e. sent) in electronic form to a particular electronic address rather than by a paper copy through the post.”*

5. Key Decisions - Definition

At its meeting held on 19 November 2021 (Note 8 refers) the CRWP reviewed the definition of a Key Decision. The Constitution (Article 13.03 – Decision Making: Key Decisions) defines a “Key Decision” as an executive decision that is likely to:-

“result in the local authority incurring expenditure which is, or the making of savings which are in excess of, £100,000 or is significant having regard to the local authority’s budget for the service or function to which the decision relates; or

be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.”

The CRWP noted that the Monitoring Officer had consulted the Council’s Section 151 Officer who was of the opinion that the level should remain at £100,000 being proportionate to the level of the Council’s budget.

Consequently, the CRWP had **AGREED** “*that –*

- (a) *no change be recommended, at this time, in relation to the definition of a Key Decision; and*
- (b) *the CRWP recommends to Cabinet (via the Corporate Finance & Governance Portfolio Holder) that the definition of a Key Decision be reviewed as part of the annual review of the Council’s Treasury Strategy.”*

6. Live Streaming and Recording of Council, Cabinet and Committee Meetings etc.

At its meeting held on 19 November 2021 (Note 9 refers) the CRWP considered how to reflect in the Council’s Constitution and operational procedures the Council’s continuing (post remote meetings) practice of live streaming and recording meetings of the Full Council, Cabinet and Committees etc. including such matters as:-

- (1) Should the principle that TDC will make an audio and/or audio-visual live stream and recording of meetings of the Full Council, Cabinet and Committees be formally confirmed and included within the Council Procedure Rules?

- (2) Should a time limit be set for how long after the meeting that TDC will make available such recordings?
- (3) Should TDC have a written formal Protocol for filming and recording meetings of the Full Council, Cabinet and Committees?

The CRWP agreed -

(a) that, in principle, the CRWP supports –

- (1) the formal confirmation that TDC will make an audio and/or audio-visual live stream and recording of meetings of the Full Council, Cabinet and Committees and that this be included within the Council Procedure Rules;*
- (2) the setting of a time limit of two years for how long after the meeting that TDC will make available such recordings; and*
- (3) the introduction of a written formal Protocol for filming and recording meetings of the Full Council, Cabinet and Committees (including the platform used for streaming).*

(b) that the Monitoring Officer be requested to submit to a future meeting of the CRWP for Members' consideration a draft formal Protocol and an amended Council Procedure Rule 5 which will have been revised to reflect the above.

Subsequently, the CRWP, at its meeting held on 31 January 2022 (Note 39 refers), considered a draft written formal Protocol for webcasting and public filming and recording of meetings of the Full Council, Cabinet and Committees (including the platform used for streaming) and amended Council Procedure Rules 5 and 35 and an Article 7.08 (Cabinet Procedure Rule 1.2) which had been revised to reflect the changes put forward by Members at their November meeting.

Following a detailed discussion of the proposed changes it was:-

AGREED that the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that:-

- (a) Council Procedure Rules 5 and 35 and an Article 7.08 (Cabinet Procedure Rule 1.2) be amended to incorporate the proposed changes set out in Document D.9; and*
- (b) the Protocol for webcasting and for public filming and recording of meetings, as amended, be formally adopted.*

7. Mandatory Training for Members of the Overview & Scrutiny Committees

At its meeting held on 17 December 2021 (Note 16 refers) the CRWP noted that the Centre for Governance & Scrutiny (CfGS) had advocated that members of an Authority's overview and scrutiny committee(s) should receive mandatory training.

The CRWP was aware that Council Procedure Rule 33.3 stipulates, inter alia, that members of the Audit, Licensing & Registration, Planning and Standards Committees must receive mandatory training. Council Procedure Rules 34.4 and 34.3 stipulate that Group Leaders shall provide named substitute members for the above mentioned committees and that those substitute members shall also be trained.

Members discussed the following questions with the Monitoring Officer:

- (1) Should TDC's Overview & Scrutiny Committees be included within CPR 33.3 and therefore

members of those committees will need mandatory training?

- (2) Should Group Leaders be required to submit a list of named substitutes for those committees and should they also be trained?
- (3) Who decides that the mandatory training is sufficient and “fit for purpose”?

The CRWP **AGREED** “that –

- (a) *the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that the Monitoring Officer be authorised to define what is meant by the word “mandatory” and to also decide whether the training offered/provided is/was sufficient and “fit for the purpose” and that Council Procedure Rule 33.3 (Training Members of the Audit, Licensing and Registration, Planning and Standards Committees) be amended accordingly; and*
- (b) *no decision be made at this time regarding the issue of mandatory training for members of the overview and scrutiny committee(s) and that the Head of Democratic Services & Elections be requested to refer this matter to the Councillor Development Portfolio Holder Working Party for its comments.”*

8. Article 12 (Officers)

At its meeting held on 17 December 2022 (Notes 18 and 19 refer) the CRWP noted that the Monitoring Officer proposed to use her delegated powers to update:-

- (i) Article 12.01 (Management Structure) – in order to reflect the Council’s current senior management structure as over the course of the last 12 months the Head of Paid Service (the Chief Executive) has made changes in relation to the Council’s Senior Management structure (the “Management Team”); and
- (ii) Article 12.03 (Functions of the Monitoring Officer: section (a) Ensuring lawfulness and fairness of decision making) - in order to make it clearer what the role of the Monitoring Officer is in cases of “unlawfulness” or “maladministration”.

9. Removal of Provisions within the Constitution relating to the emergency Covid-19 (Coronavirus) Regulations and Remote Meetings

Full Council, at its meeting held on 15 September 2020, had approved amendments to the Council’s Constitution in order to reflect the consequences of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [SI 2020/392]. This had involved changes to the following parts of the Constitution:-

Article 3 – Citizens and the Council [3.01 (c) and (d) (ii)];

Article 7 – The Cabinet / Executive [7.08 – 1.1];

Council Procedure Rules – Rules 1A, 5, 6A, 6B, 8A, 10A, 19A, 23A, 32 and 35.1;

Access to Information Procedure Rules – Rules 3A and 5A.

At its meeting held on 17 December 2021 (Note 20 refers) the CRWP noted that those amendments would be removed from the Council’s Constitution by the Monitoring Officer under her delegated powers given the fact that the aforementioned Regulations had lapsed on 7 May 2021 and there is, currently, no likelihood of their provisions for remote meetings being incorporated by Parliament into local government legislation.

10. Proposals for a Single "Commissioning" Overview & Scrutiny Committee and Implementation Date for that new Committee

At its meeting held on 17 December 2021 (Note 21 refers) the CRWP considered proposals (including, inter alia, an amended Article 6 and amended Overview & Scrutiny Procedure Rules (O&SPRs) for the abolition of the Community Leadership Overview & Scrutiny Committee and the Resources and Services Overview & Scrutiny Committee and the establishment instead of a single but larger Overview & Scrutiny Committee. The proposal was that the single Overview and Scrutiny Committee would act as a commissioning body establishing task and finish enquiries (linked to the Council's Corporate Plan) and then receive and consider the reports arising from those enquiries.

The CRWP was informed that Article 6 had also been amended to enable the overview and scrutiny committee to include the scrutiny of the work of the TCBGC Joint Committee in its Work Programme.

The CRWP agreed *"that it –*

- (a) endorses, in principle, the abolition of the Community Leadership Overview & Scrutiny Committee and the Resources and Services Overview & Scrutiny Committee and the establishment instead of a single 'commissioning' Overview & Scrutiny Committee which would, inter alia, establish overview and scrutiny task and finish enquiries (which would be linked to the Council's Corporate Plan) and then receive and consider the reports arising from those enquiries; and*
- (b) endorses, in principle, that the change to a single Overview & Scrutiny Committee comes into effect from the Annual Meeting of the Council in April 2022 (i.e. for the 2022/23 Municipal Year).*
- (c) that the Committee Services Manager be requested to send to the members of the CRWP the draft new Article 6 and Overview & Scrutiny Procedure Rules in order to enable the CRWP Members to circulate those documents to the members of their respective political groups for consultation purposes."*

Subsequently, the CRWP at its meetings held on 14 January 2022 (Note 31 refers) and 31 January 2022 (Note 44 refers) received the feedback from political groups. Upon further debate and consideration the CRWP:-

AGREED that the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that:-

- (a) no change be made to the current two overview and scrutiny committees;*
- (b) the number of meetings of those committees be reduced and that Article 6 (Overview and Scrutiny Function) and Overview & Scrutiny Procedure Rule 4 (Meetings of the Committees) be amended accordingly to reflect this; and*
- (c) the reduction in the number of formal scheduled meetings for the Council's Overview and Scrutiny Committees should be maximised to focus on the principles established in the Executive – Scrutiny Protocol and the work of the Centre for Governance and Scrutiny over the next year, particularly with regard to the use of task and finish groups and researched and evidenced reviews on specific topics linked to the Council's Corporate Plan.*

11. Potential Establishment of a Road Naming Executive Committee

At its meeting held on 14 January 2022 (Note 30 refers) the CRWP, at the request of the Leader of the Council (Councillor Stock OBE), considered the merits of establishing a Road Naming Committee or Working Party.

Members were aware that the naming of residential roads as a result of new housing developments is an executive function which, at Tendring District Council, is currently delegated to the Leisure and Tourism Portfolio Holder (Councillor Porter).

Therefore, if any such committee is to be established it would be a Cabinet Committee (with either decision making or advisory only powers). An alternative approach to be considered would be the setting up of a Portfolio Holder Working Party which would operate solely in an advisory capacity to the Portfolio Holder.

The CRWP **AGREED** that it requests the Corporate Finance & Governance Portfolio Holder to recommend to the Cabinet -

“That the Deputy Chief Executive & Monitoring Officer (Lisa Hastings) be requested to produce and submit to the Leader of the Council, for his consideration, terms of reference and a scheme of delegation for a Road Naming Portfolio Holder Working Party.”

12. Council Procedure Rule 3 – Ordinary Meeting (Minutes of Committees)

A proposal was put to the CRWP that Minutes of meetings of Committees be no longer included on the Agenda for meetings of the Full Council. It was suggested that the current practice was felt to be a bit of an anachronism embedded in the ‘old style committee system’ practices of the 1970s to 1990s. Most Councils did not include Committee Minutes on their Full Council Agenda especially since the introduction of Local Government Act 2000 (and the Cabinet system of local government). The Minutes of the Licensing & Registration Committee (and its sub-committees) and the Planning Committee did not appear on this Authority’s Full Council Agenda.

In addition, Committee Minutes were only formally received and noted at Full Council. Any recommendations to Council from a Committee were submitted to Full Council via a separate Report. Members would still be able to submit Questions to Committee Chairmen under the provisions of Council Procedure Rule 11.2.

The CRWP discussed this proposal at its meetings held:-

- 19 November 2021 (Note 5):

AGREED that the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Minutes of meetings of Committees be no longer included on the Agenda for meetings of the Full Council and that Council Procedure Rule 3 (Ordinary Meeting) be amended accordingly.

- 17 December 2021 (Note 23):

Further to Note 5 (19.11.21) the CRWP considered the proposed amended Council Procedure Rule 3 which had been revised to reflect the changes put forward by Members at their November meeting.

The wording of the proposed amended CPR 3 was attached as Document D.10 to the Agenda with suggested deletions and/or additional text highlighted in purple.

AGREED that the CRWP requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Minutes of meetings of Committees be no longer included on the Agenda for meetings of the Full Council and that Council Procedure Rule 3 (Ordinary Meeting) be amended accordingly.

- 31 January 2022 (Note 45) and finally:-

AGREED that the CRWP recommends to the Corporate Finance & Governance Portfolio Holder that no change be made at this time and that Minutes of meetings of Committees continue to be included on the Agenda for meetings of the Full Council.

Following the agreements within the Working Party at its meetings held in November and December 2021, the Portfolio Holder has decided to proceed with the previous recommendations to recommend to Full Council (via the Cabinet) that Minutes of meetings of Committees be no longer included on the Agenda for meetings of the Full Council and that Council Procedure Rule 3 (Ordinary Meeting) be amended accordingly.

13. Review of the Terms of Reference of the Human Resources & Council Tax Committee

At its meeting held on 31 January 2022 (Note 36 refers) the CRWP received the verbal update of the Monitoring Officer's review of the terms of reference of the Human Resources & Council Tax Committee and its Sub-Committee in the light of the receipt of the letter from The Joint Negotiating Committee for Chief Executives of local authorities.

The CRWP noted that the Monitoring Officer proposed to use her delegated powers to update this section of the Constitution in order to reflect current legislative regulations relating to the procedures for disciplinary and dismissal matters affecting the Council's statutory and senior officers.

The Monitoring Officer, in consultation with the Assistant Director (Partnerships), as appropriate, would also look at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory officers. All committee members would receive dedicated training and professional guidance, support and advice before any employment decisions were made regarding the Statutory Officers.

14. Review of the Duties and Rights of the Fourth "Stand-By Member" at Meetings of the Premises/Personal Licences Sub-Committee

At its meeting held on 31 January 2022 (Note 42 refers) the CRWP considered the outcome of the review of the duties and rights of the fourth "stand-by" Member at meetings of the Premises/Personal Licences Sub-Committee (Council Procedure Rule 36 – Attendance at Meetings), as requested by the Working Party.

Upon a review carried out by Officers it was recommended by them that no change be made to the duties and rights of the fourth "stand-by" Member at meetings of the Premises/Personal Licences Sub-Committee. In the interests of probity, the avoidance of the perception of "undue influence" and to avoid giving grounds for a legal challenge it was considered important that the decision was debated and made only by the three Members of the Sub-Committee sitting in closed session accompanied solely by the Council's solicitor (who would be there solely to

give legal advice).

Following a discussion of the proposed changes it was:-

AGREED that the CRWP recommends to the Corporate Finance & Governance Portfolio Holder that no change be made to Council Procedure Rule 36 – Attendance at Meetings at this time.

15. Review of the Procedures relating to Statutory Officers Attending and Speaking at Committee Etc. Meetings

At its meeting held on 31 January 2022 (Note 43 refers) the CRWP considered the suggestion of the Monitoring Officer that the Council's Statutory Officers and Chief Executive, (when acting in addition to the role as Head of Paid Service) should have the right to attend any Committee meeting to address the Committee on an item of business, in accordance with their overarching obligations and duties.

The suggested additional wording was set out in red in Document D.18, as attached to the Agenda, and followed the principles of transparency in decision making (Article 13), the members' Code of Conduct (paragraph 3.7 – decision making) and Article 12 (Functions of Statutory Officers).

The CRWP noted that the Monitoring Officer would be using her delegated powers to "tidy up" the list of Proper Officers in the Scheme of Delegation.

Following a detailed discussion of the proposed changes it was:-

AGREED that the CRWP -

- (a) requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Article 7 (the Executive), Article 13 (the Decision Making), Overview & Scrutiny Procedure Rule 15 (Members and Officers Giving Account) and Council Procedure Rule 36 (Attendance at Meetings) be amended to incorporate the proposed changes set out in Document D.18; and
- (b) notes that the Monitoring Officer will be using her delegated powers to "tidy up" the list of Proper Officers in the Scheme of Delegation.

16. Review of the Effectiveness and Intent of Article 2.06 (Attendance)

The CRWP, at its meeting held on 31 January 2022 (Note 41 refers) considered the recommendation of the Monitoring Officer that the wording of Article 2.06 be either amended to be consistent with the legislative position for the six month rule or removed from the Constitution.

Upon a review of the effectiveness and intent of Article 2.06 (Attendance) it was considered by the Monitoring Officer that it was not a governance requirement that the Constitution should cover. There were many reasons why an elected Member may not be able to attend a Committee for which they are a member for 4 months.

The text of the proposed amended Article 2.06 (Document D.15) was attached to the Agenda.

Following a detailed discussion of the proposed changes it was:-

“AGREED that the CRWP recommends to the Corporate Finance & Governance Portfolio Holder that no change be made to Article 2.06 (Attendance) at this time.”

The Portfolio Holder has considered the feedback from the CRWP and the advice of the Monitoring Officer and for the reasons that the wording of Article 2.06 is not consistent with the legislative position and it is not a governance requirement to report non-attendance for 4 months, he will recommend to Cabinet, for further recommendation to Council that the wording is removed.

The proposed changes to Article 2 of the Constitution are shown in **RED** in **Appendix M**.

PREVIOUS RELEVANT DECISIONS

Full Council at its meeting held on 22 January 2019 had resolved, inter alia, to keep Council’s start time at 7.30 p.m. in order to help those Members who were in employment.

Full Council, at its meeting held on 21 July 2020, and following consideration by the CRWP and subsequently the Cabinet, had approved alterations to Council Procedure Rule 12.

Full Council, at its meeting held on 16 March 2021 (Minute 104 refers), decided, inter alia, that:

“the Review of the Constitution Portfolio Holder Working Party be requested, as part of its next annual review of the Council’s Constitution, to revisit the committee structure of the Council”.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Notes of the meetings of the Review of the Constitution Portfolio Holder Working Party held on 19 November 2021, 17 December 2021, 14 January 2022 and 31 January 2022.

APPENDICES

A.Z

APPENDIX A	Part 4	<u>Amended Council Procedure Rules – Section One</u>
APPENDIX B	Part 4	<u>Amended Council Procedure Rules – Section Two</u>
APPENDIX C	Part 2	Articles of the Constitution – Article 7 (Executive)
APPENDIX D	Part 2	Articles of the Constitution – Article 3 (Citizens and the Council)
APPENDIX E	Part 3	Delegated Powers (Chief Executive)
APPENDIX F	Part 3	Delegated Powers (Audit Committee)
APPENDIX G	Part 5	Property Dealing Procedure – Amendment
APPENDIX H	Part 5	Procurement Procedure Rules – Amendment
APPENDIX I	Part 2	Articles of the Constitution – Article 13 (Decision Making)
APPENDIX J	Part 2	Articles of the Constitution – Article 6 (Overview and Scrutiny Function)
APPENDIX K	Part 5	Overview and Scrutiny Procedure Rules - Amendments
APPENDIX L		Protocol for Webcasting and for Public Filming and Recording of meetings of the Full Council, Cabinet and Committees
APPENDIX M	Part 2	Articles of the Constitution – Article 2 (Members of the Council)

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COUNCIL PROCEDURE RULES

SECTION 1 – COUNCIL MEETINGS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place on the third Tuesday after the elections. In any other year, the annual meeting will take place in April or May. No business except that identified below in this Rule and Rule 1.2 will be included on the Agenda of the Annual Council meeting and all other Council Procedure Rules shall be construed accordingly.

The annual meeting will:

- (i) Receive a report from the Returning Officer on the return of Members elected (if it is the annual meeting following the District Council Elections);
- (ii) Receive apologies for absence;
- (iii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (iv) Receive any announcements from the retiring Chairman of the Council;
- (v) Elect the Chairman of the Council for the ensuing year;
- (vi) Elect the Vice-Chairman of the Council for the ensuing year;
- (vii) Receive any announcements from the Chairman and/or the Chief Executive;
- (viii) Receive notification of memberships of political groups and the names of the Group Leaders and their Deputies (if it is the annual meeting immediately following the District Council Elections);
- (ix) Elect the Leader of the Council (if it is the annual meeting immediately following the District Council Elections);
- (x) Selection of Councillors on Committees etc. in accordance with Council Procedure Rule 1.2;
- (xi) Reaffirm the Council's Constitution;
- (xii) Approve a programme of ordinary meetings of the Council and Committees for the year;

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~~(xiii) Approve the work programmes for the overview and scrutiny committees in accordance with Overview and Scrutiny Procedure Rule 7; and~~

(xiii) Appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Two of the Members appointed will always be the Leader and Deputy Leader of the Council. Up to two further names can be put forward to Council by the Leader of the Council, following consultation with Group Leaders; and

(xiv) Consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the Council will:

- (i) Appoint the Committees and Sub-Committees it considers appropriate for the municipal year;
- (ii) Decide the size and the terms of reference and delegated powers for any new Committees and Sub-Committees;
- (iii) Decide the allocation of seats for all Committees and Sub-Committees to political groups in accordance with the political balance rules; and
- (iv) Appoint Members to each Committee and Sub-Committee and the Chairman and Vice-Chairman of each Committee and Sub-Committee as appropriate.

1A. NO REQUIREMENT TO HOLD AN ANNUAL MEETING OF THE COUNCIL

~~The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of the Council may only take place:~~

~~(a) where called by the Chairman; or~~

~~(b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.~~

2. BUDGET AND COUNCIL TAX SETTING

At the relevant ordinary meeting of the Council, when the Council's Budget and Council Tax is approved and set, no business except that identified below will be included on the Agenda of the Budget and Council Tax Setting Meeting and all other Council Procedure Rules shall be construed accordingly. The Budget and Council Tax Setting Meeting shall:

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- (i) Receive apologies for absence;
 - (ii) Elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
 - (iii) Deal with any business required by Statute to be dealt with before any other business;
 - (iv) Approve the minutes of the last meeting;
 - (v) Receive any announcements from the Chairman and/or the Chief Executive and any Statements from the Leader of the Council and/or members of the Cabinet;
 - (vi) Approve and set the Council's Budget and Council Tax;
 - (vii) Deal with any business remaining from the last Council meeting; and
 - (viii) Consider any Urgent Matters for Debate

Matters which are not on the agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or the Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget. The text and form of any and all such amendments must be emailed to the Committee Services Manager by no later than 5.00 p.m. on the day of the Budget Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting.

In addition, the text of the Leader of the Council's budget presentation speech must also be emailed to the Committee Services Manager by no later than 5.00 p.m. on the day of the Budget Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting. The Committee Services Manager will also email the speech to all Members of the Council as soon as possible after they receive it from the Leader of the Council.

3. ORDINARY MEETING

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Such programmes shall ensure that the first ordinary meeting is held within 15 working days of the annual meeting of the Council except in a year when there is

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an ordinary election of Councillors. The order of business at every ordinary meeting of the Council be as follows:

- (i) To receive apologies for absence;
- (ii) To elect a person to preside if the Chairman and Vice Chairman are not present;
- (iii) To deal with any business required by Statute to be dealt with before any other business;
- (iv) To approve the minutes of the last meeting (or in the case of the first ordinary meeting of the municipal year, to approve the minutes of the Annual meeting and the preceding meeting);
- (v) To receive any announcements from the Chairman and the Chief Executive and any statements from the Leader and Members of the Cabinet;
- (vi) To deal with any Petitions;
- (vii) In accordance with Rule 10, to receive questions from, and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (viii) To receive a report from the Leader on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and Overview and Scrutiny Procedure Rule 18(i);
- (ix) To deal with any business from the last Council meeting;
- ~~(x) To receive the minutes of Committees (with the exception of the Licensing and Registration and Planning Committees) and to receive questions and answers from Councillors on any of those items;~~
- (xi) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) To consider motions (in the order in which notice has been received);
- (xiii) To consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, other reports from the Cabinet, reports of the Overview and Scrutiny Committees, or other Committees for debate and reports from Officers for consideration;
- ~~(xiiiiv)~~ To receive questions from Members in accordance with Rule 11.2; and
- (xiv) Urgent matters for Debate

Matters which are not on the Agenda and which a Member considers should be reported urgently to the Council may, with the consent of, and in a form approved by, the

(Yellow)

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Chairman, be brought before the meeting by way of a short written statement which shall be read by the Chief Executive, Section 151 Officer or Monitoring Officer, as part of his or her reports and communications. The Member concerned may, by leave of the Chairman, speak on the statement and move a motion unless advised otherwise by the Chief Executive, Section 151 Officer or Monitoring Officer.

With the exception of items (i) (ii) (iii) and (iv), the order of items may be varied at the discretion of the Chairman or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be put without discussion. At the last ordinary meeting of the Council in the municipal year, following item (v) the meeting will receive the annual State of Tending Statement from the Leader.

4. EXTRAORDINARY MEETINGS

4.1 Calling Extraordinary Meetings

An extraordinary meeting of the Council may be called in the following circumstances:-

1. An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.
2. If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council.
3. The Council by resolution; and
4. The Monitoring Officer in circumstances where a Section 5 report is to be presented.

4.2 Holding Extraordinary Meetings in the corresponding circumstances set out above

1. The Chairman of the Council, in consultation with the Chief Executive, will decide the date of the meeting.
2. Where such a request is received the meeting will be held within 14 days of the receipt of the call for an extraordinary meeting from those five members of the Council.
3. The Council as part of its resolution will fix the date of the extraordinary meeting or will delegate that matter to the Chairman of the Council.

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4. Where such a request is received the meeting will be held within 14 days of the receipt of the call for an extraordinary meeting from the Monitoring Officer.

4.3 Order of Business

- (i) To receive apologies for absence;
- (ii) To elect a person to preside if the Chairman and Vice-Chairman are not present;
- (iii) To deal with any business required by Statute to be dealt with before any other business;
- (iv) To consider any other business specified in the summons to the meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of Council meetings will be notified in the summons.

Meetings will normally be held at 7.30 p.m. in the Princes Theatre, Town Hall, Clacton-on-Sea and the Council may, from time to time, vary the place, date or hour of a meeting or meetings. ~~Such variation will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.~~ Where it is not practicable for the Council to meet to agree a variation, such variation shall be determined by the Chairman (or failing him the Vice-Chairman) of the Council.

In accordance with the approved Protocol for such matters, the Council will make an audio and/or audio-visual live stream and recording of meetings of the Full Council, which will be made available on the Council's website for a period of at least one year from the date of the relevant meeting.

6. NOTICE OF AND SUMMONS TO MEETING

The Committee Services Manager will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. In addition to sending an electronic notification, at least five clear days before a meeting, the Committee Services Manager will send summons by post to every member of the Council or leave it at their usual place of residence.

Although this is the default position, all members of the Council are encouraged to opt out of receiving paper copies and elect to solely receive the summons via electronic notification at least five clear working days before the meeting. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

~~6A. ACCESS TO INFORMATION~~

~~For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:~~

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- ~~(a) — “open to inspection” shall include for these and all other purposes as being published on the website of the Council; and~~
- ~~(b) — to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.~~

6B. REMOTE ACCESS TO MEETINGS

- ~~(a) — For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:~~
- ~~(i) — “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call phone numbers; and~~
- ~~(ii) — “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and~~
- ~~(b) — If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she~~
- ~~does not fix a date, the remaining business will be considered at the next ordinary meeting.~~

7. CHAIRING OF MEETINGS

The person presiding may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members, subject always to a minimum of three Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

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8A. MEMBERS IN REMOTE MEETINGS

- ~~(a) — A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:~~
- ~~(i) — to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance;~~
 - ~~(ii) — to hear, and where practicable see, and be so heard and, where practicable, be seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~
 - ~~(iii) — to be so heard, and where practicable, be seen by any other members of the public attending the meeting.~~
- ~~(b) — A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstances the Chairman may, as they deem appropriate;~~
- ~~(i) — adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;~~
 - ~~(ii) — count the number of Members in attendance for the purposes of the quorum; or~~
 - ~~(iii) — continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.~~

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9. DURATION OF MEETING

- 9.1** The business of ordinary meetings of the Council shall cease at 10.30 p.m. (or after a duration of three hours, whichever is the earliest) on the day on which the meeting commenced, or such earlier, or later, time as the Chairman shall consider appropriate. In the event that the Chairman wishes to extend the meeting beyond 10.30 p.m. (or beyond three hours) they will be expected to give an indication of the length of that extension and secure the consent of the Council in doing so.
- 9.2** When the business of a meeting is terminated in accordance with 9.1 above any remaining business shall stand adjourned until a date and time to be fixed by the Chairman.
- 9.3** Where 9.2 applies, given that the agenda and associated reports and papers for the original meeting have been published, the adjourned meeting can be called as soon as practicable and without necessary delay, having regard to the remaining business and venue availability. In the case of Committees and Sub-Committees, where Substitutes have been appointed the same Members should attend (the Substituted Members must not take their seats).
- 9.4** Notice of the adjourned meeting will be published on the Council's website, unless the adjourned meeting is held within 24 hours.

10. QUESTIONS BY THE PUBLIC

10.1 Scope of Questions and Time Allocated in the Meeting

Members of the public may ask questions of the relevant Members of the Cabinet or the Leader or Committee Chairmen on any matter in relation to which the Council has powers or duties or which affects the Tendring District. The time limit for the asking of each question is two minutes and for the reply, five minutes. The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

10.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by personal e-mail to the Committee Services Manager no later than midday 8 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

10.4 Number of Questions

(Yellow)

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At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

10.5 Reasons for Rejection of Questions

The Committee Services Manager and/or Monitoring Officer may reject a question if in their judgement it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the District;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- (d) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (e) requires the disclosure of confidential or exempt information; or
- (f) the question is about a matter that is subject to call in or ongoing legal proceedings.

10.6 Record of Questions

The Committee Services Manager will keep a copy of each question for six years after the meeting at which the question was put and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

10.7 Asking the Question at the Meeting

All questions will be set out in the agenda and the Chairman will invite the questioner to put the question to the Member named in the notice. There will be no further questions or debate. If the questioner is not present, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Written Answers

Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member, to whom it was to be put, will be dealt with by a written answer, with a copy circulated to all Members.

10.9 Reference of Question to the Cabinet or a Committee

No discussion will take place on any question, but any Member may formally, without discussion, move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

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10.10 Withdrawal of Question

A member of the public may withdraw their question by giving notice of their wish to do so to the Committee Services Manager prior to the commencement of the meeting at which their question is to be put.

~~10A. REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC~~

~~(a) — A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:~~

~~(i) — to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;~~

~~(ii) — to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~

~~(iii) — to be so heard, and where practicable, be seen by any other members of the public attending the meeting.~~

~~(b) — A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Rule 10A(a) above are not met. In such circumstances the Chairman may, as he or she deems appropriate:~~

~~(i) — adjourn the meeting for a short period to permit the conditions for remote attendance contained in Rule 10A(a) above to be re-established;~~

~~(ii) — suspend consideration of the item of business in relation to a member of the public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the members of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or~~

~~(iii) — continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.~~

~~For the avoidance of any doubt this Rule also applies, with any necessary modifications to any scheme for public participation in respect of planning, licensing and other committees and/or sub-committees.~~

11. QUESTIONS BY MEMBERS

(Yellow)

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11.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports or References from the Cabinet or Minutes of Committees

A Member of the Council may ask the Leader or a Member of the Cabinet any question without notice about any statement made by the Leader or a Member of the Cabinet to the Council when that item is being received.

A Member of the Council may ask the Leader or a Member of the Cabinet or the Chairman of a Committee any question without notice upon a report or recommendation of the Cabinet or the minutes or reference from a Committee when that item is being received by the Council.

Supplementary Questions will not be permitted under this rule.

11.2 Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask:-

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee;

a question on any matter, which is within their area of responsibilities as set out in Part 3 of the Constitution, in relation to which the Council has powers or duties or which affects the Tendring District.

Questions from Members will be set out in the agenda in the order in which they were received.

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

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

11.3 Notice of Questions

A Member may only ask a question under Rule 11.2 if either:

- (a) notice has been given by delivering it in writing (or by personal e-mail) to the Committee Services Manager no later than midday 8 (eight) working days before the day of the meeting; or
- (b) the question relates to urgent matters, he has the consent of the person to whom the question is to be put and the content of the question is given to the Committee Services Manager by noon on the day of the meeting.

11.4 Number of Questions

(Yellow)

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At any one meeting no Councillor may submit more than two questions.

11.5 Reasons for rejection of Questions

- (a) the question is not about a matter for which the local authority has responsibility or which affects the District;
- (b) The Monitoring Officer will reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);
- (c) the Monitoring Officer will reject a question if in their judgment it is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- (d) The Monitoring Officer will reject a question if in their judgement it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (e) The Monitoring Officer will reject a question if in their judgement it is likely to lead to a breach of the Members' Code of Conductor; or
- (f) the question is about a matter that is subject to call in or ongoing legal proceedings.

11.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where a reply cannot conveniently be given orally, a written answer given later to all Members.

The Member giving the response must provide an electronic or written copy of that response to the Committee Services Manager by Noon on the day of the meeting in order to enable the response to be circulated to the Questioner, the Chairman of the Council, the Leader of the Council and relevant Officers.

11.7 Questions of Clarification

After the response has been given to a Question on Notice, the Member who asked the question may ask one question, of which no notice is required. That question must solely relate to clarifying the response received. No statements or other form of question will be allowed. The ruling of the Chairman on the admissibility of the question is final.

(Yellow)

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The minutes of the meeting will record that a question of clarification and a response was asked and given, without detailing the content.

11.8 Time Limits for Asking/Answering Questions

The time limit for asking each question is two minutes and the time limit for each reply is three minutes.

11.9 Withdrawal of Question

A Member may withdraw their question by giving notice of their wish to do so to the Committee Services Manager prior to the commencement of the meeting at which their question is to be put.

12. MOTIONS ON NOTICE

12.1 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Tendring District.

12.2 Notices of Motion

Except for motions which can be moved without notice under Rule 13, written and signed notice (or notice by personal e-mail) of every motion by the Member or Members submitting it, must be delivered to the Committee Services Manager no later than midday eight working days before the day of the meeting. The Monitoring Officer and/or the Committee Services Manager will decide whether to accept the motion as a valid motion having had regard to the provisions of Rule 14.

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council.

A maximum of two motions shall be accepted for inclusion in an agenda for an Ordinary Meeting of the Council under this Procedure Rule. Motions shall not be submitted to the annual meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

12.3 Motion set out in Agenda

Valid motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he proposes to move it to a later meeting or withdraw it.

At the meeting the Chairman will invite the Member who submitted the motion to formally move it. Thereupon the Chairman will then ask for a seconder for the motion. If there is no seconder then the motion will be declared by the Chairman as having failed and the Chairman will immediately move onto the next business on the agenda.

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If the motion is seconded then it will be dealt with in accordance with Rule 12.4 (within the maximum 30 minute time limit normally allocated for each motion, which will only commence at the point the Chairman has decided to allow the motion to be dealt with at the meeting and they then call on the first Member to speak to the motion if it is a motion being considered at an ordinary meeting of the Council).

If a motion thus set out in the agenda is not moved either by a Member who gave notice thereof or by a Member nominated by him it shall unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

12.4 Consideration of Motions

12.4.1 At an Extraordinary Meeting of the Council any Motion listed on the Agenda will be dealt with at the meeting in accordance with the provisions, as applicable, of Rules 16, 19, 23, 24, 25, 28 and 29.

12.4.2 At an ordinary meeting of the Council the mover and seconder of the motion will be permitted to explain the purpose of the motion and, if they so wish, give reasons why they feel it would be appropriate for the motion to be dealt with at the meeting. They will each have a maximum of three minutes to do so.

The Leader of the Council or the relevant Portfolio Holder or the relevant Chairman of a Committee will then be permitted to respond and they will either agree with the motion being dealt with at the meeting or they will put forward reasons why it would be more appropriate for the motion to stand referred to the appropriate body for further consideration. They will have a maximum of three minutes to do so.

After hearing the representations referred to above together with any necessary professional advice from the Chief Executive and/or the Monitoring Officer and/or the Section 151 Officer, the Chairman will then make a ruling on whether the motion should be dealt with at the meeting or stand referred to the appropriate body.

In making their ruling the Chairman must have regard to the principles of decision making set out in Article 13.02 of the Council's Constitution and the provisions of the Executive Function

Regulations. The Chairman must also provide to the meeting a short oral explanation of the reasons for their decision.

If the Chairman decides to refer the motion to the appropriate body then the provisions of Rule 12.5 will apply.

If the Chairman decides to allow the motion to be dealt with at the meeting, then in considering the motion the provisions, as applicable, of Rules 16, 19, 23, 24, 25, 28 and 29 will apply.

Regardless of whether the Chairman has decided to allow the motion to be dealt with at the meeting or they have decided to refer the motion to the appropriate body, the mover and

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seconded of the motion will, at this point in the proceedings, explain the purpose of the motion. They will each have a maximum of three minutes to do so.

A maximum of 30 minutes for debate will normally be allowed for each motion the Chairman has decided they will allow to be dealt with at the meeting. That 30 minute time period will then commence at this point when the Chairman calls on the first Member to speak to the motion. Following the expiry of that 30 minute period the Mover of the Motion, the mover of an amendment and the Leader/relevant Portfolio Holder/relevant Committee Chairman shall have a right of reply in accordance with the provisions of Council Procedure Rule 16.8.

All speakers on the motion will be allowed three minutes.

If a valid amendment to the motion is accepted by the Chairman a separate 30 minute period will then normally be allowed to debate the amendment. Following the expiry of that 30 minute period the Mover of the Motion, the mover of an amendment and the Leader/relevant Portfolio Holder/relevant Committee Chairman shall have a right of reply in accordance with the provisions of Council Procedure Rule 16.8.

All speakers on the amendment will be allowed three minutes.

12.5 Referral of Motions

Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion and reason as to whether such motion should be supported in its original format.

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format should not be supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b).

12.6 Referred Motions – Right of Mover to Attend Meeting

If a motion has, in accordance with the provisions of Rule 12.4, been formally referred to the Cabinet or relevant Committee(s), the mover (or some other Member on their behalf) shall attend the first practicable meeting of the Cabinet or relevant Committee(s) immediately

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following the Council meeting at which the motion was moved to answer any questions and/or points of clarification, if requested.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) To appoint a Chairman of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business in the agenda;
- (d) To refer something to, or back to, Cabinet or relevant Committee;
- (e) To receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (f) To withdraw a motion;
- (g) To amend a motion;
- (h) To proceed to the next business;
- (i) That the question be now put;
- (j) To adjourn a debate;
- (k) To adjourn a meeting;
- (l) To exclude the public and press in accordance with the Access to Information Procedure Rules;
- (m) That a Member named under Rule 23.3 Disorderly Conduct not to be heard further or to exclude them from the meeting under Rule 23.4;
- (n) To give the consent of the Council where its consent is required by this Constitution;
- (o) To extend the time limit for a speech; and
- (p) In the case of urgency, notice of motion may be given, in writing, signed by the Member, or Members, giving the notice and the reason for its urgency and delivered by noon on the morning of the day of the meeting at the office of the Chief Executive who will immediately advise the Chairman of its receipt. If in the opinion of the Chairman, the matter is not urgent, the Chairman may direct that it be disallowed.

14. MOTIONS NOT PERMITTED

No motion shall be submitted on a matter that relates to an item which;

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- (a) is not about a matter for which the local authority has a responsibility or which affects the District;
- (b) is to be considered on the same Council agenda;
- (c) is substantially the same as a motion already received to be put to the ordinary meeting of the Council in question;
- (d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- (e) has been the subject of a Key Decision in the previous six months;
- (f) is included within the work programme of an Overview and Scrutiny Committee;
- (g) is, at the time of submission, subject to call-in or on-going legal proceedings or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);
- (h) the Monitoring Officer will reject a motion if in their judgment it is likely to lead to a breach of the Members' Code of Conduct.

15. MOTIONS OR QUESTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a Committee or Sub-Committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee or Sub-Committee has decided whether or not the power of exclusion of the public shall be exercised.

16. RULES OF DEBATE

16.1 No Speeches until Motion Seconded

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No speeches may be made after a motion has been proposed and explained until it has been seconded. However, a motion that the recommendations from Cabinet or ~~the minutes or~~ references from the relevant Committee shall be adopted need not be seconded.

A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of debate, subject to Rule 16.10 – Closure Motions.

16.2 Right to Require Motion or Amendment in Writing

Unless notice of the motion or amendment has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

16.3 Content and Length of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. No speech (including those to move motions) shall exceed three minutes except with the consent of the Council. This does not apply to the statement by the Leader on the State of the District and the Leader's presentation of the budget.

16.4 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move or second a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);
- (d) in exercise of a right of reply;
- (e) on a point of procedure; and/or
- (f) by way of personal explanation.

16.5 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and either be:
 - (i) to refer the matter to the Cabinet or relevant Committee for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or

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(iv) to insert or add words

as long as the effect of (ii), (iii) or (iv) is not to negate the motion or introduce a new subject matter into the motion before the Council. **In addition, any amendment proposed to be made that may have budgetary implications must have been submitted to the Council's Section 151 Officer at least two working days before the Full Council meeting to enable them to consider the implications for the Council's finances.**

Furthermore, no amendment will be accepted that could bind or fetter the Executive or a Committee in relation to matters that are within the responsibility of the Executive or a Committee of the Council.

- (b) Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.
- (c) Any Member wishing to move an amendment or alternative recommendation to those made by the Independent Remuneration Panel in respect of the Members' Scheme of Allowances must have submitted their proposals to the Council's Section 151 Officer and the Monitoring Officer at least two working days before the relevant Full Council meeting to enable them to consider the legal and financial implications. Any such amendment or alternative recommendation must be accompanied by the reasons for departing from the IRP's recommendations. Once deemed to be valid by the Monitoring Officer it will be immediately circulated by email to all Members of the Council. Copies of such amendment or alternative recommendation(s) will also be placed on Members' tables prior to the commencement of the Council meeting.
- (d) Only one amendment may be moved and discussed at any one time. Subject to Rule 16.10 no further amendment may be moved until the amendment under discussion has been disposed of. However the Chairman may permit a Member to give formal notice of the terms of any further amendment which he proposes to move at a later stage in the proceedings.
- (e) A member may withdraw their proposed amendment with the consent of the seconder.
- (f) If an amendment is not carried, other amendments to the original motion may be moved.
- (g) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (h) After an amendment has been carried, the Chairman will read out the substantive motion before accepting any further amendments, or if there are none, put it to the vote.

16.6 Alteration of Motion

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- (a) A Member may alter a motion of which he has given notice with the consent of the seconder.
 - (b) A Member may alter a motion that he has moved without notice with the consent of the seconder.
 - (c) Only alterations that could be made as an amendment may be made.

16.7 Withdrawal of Motion

A Member may withdraw a motion that he has moved with the consent of the seconder unless it is the subject of an amendment. No Member may speak on the motion after the mover has withdrawn it.

16.8 Right of Reply

- (a) The **seconder of a motion (including the seconder of a motion on which an amendment has been moved), the mover of a motion (including the mover of a motion on which an amendment has been moved) and the seconder and the mover of an amendment** have a right of reply at the end of the debate on the motion or amendment. Following this, the appropriate Portfolio Holder or the Chairman of the relevant Committee shall have the right to speak on the motion or amendment immediately before it is put to the vote. Where the mover of the motion or amendment was the Leader of the Council, he shall have the final right to speak.
- (b) A Member exercising a right of reply shall confine his remarks to answering the arguments employed or observations made during the debate and shall not introduce any new matter.

(c) The right of reply of the seconder of a motion or amendment (as referenced in (a) above) will only apply if the seconder has not already spoken during the debate of the motion or amendment in question.

16.9 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motion:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;

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- (f) to adjourn a meeting;
- (g) to extend the time for speeches;
- (h) to give any consent required by these procedure rules;
- (i) to suspend one or more of the procedure rules;
- (j) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (k) that a Member named under Rule 23.3 below (Disorderly Conduct), not to be heard further or to exclude them from the meeting under Rule 23.4.

16.10 Closure Motion

- (a) A Member may move, without comment, the following motions at the conclusion of a speech of another Member:
 - (i) That the Council proceed to the next business;
 - (ii) That the question now be put;
 - (iii) That the debate now be adjourned; or
 - (iv) That the Council does now adjourn; or
 - (v) That the matter be referred to the Cabinet or a Committee(s) in accordance with the responsibility of functions and the defined terms of reference.
- (b) On the seconding of which the Chairman shall, unless in their opinion the matter before the meeting has been insufficiently discussed, proceed as follows:
 - (i) On a motion to proceed to the next business or to refer the matter to the Cabinet or a Committee(s): they shall first give the **seconder and the** mover of the original motion **a their** right of reply **under Rule 16.8 above**, and then put to the vote the motion to proceed to the next business or to refer the matter;
 - (ii) On a motion that the question now be put: they shall put to the vote the motion that the question now be put, and if it is passed then **the Chairman will** give the **seconder and the** mover of the original motion their right of reply under Rule 16.8 above before putting their motion to the vote;
 - (iii) On a motion to adjourn the debate or the meeting: they shall put the adjournment motion to the vote without giving the **seconder and the** mover of the original motion their right of reply on that occasion.

16.11 Point of Procedure

A Member may raise a point of procedure at any time. The Chairman will hear him immediately. A point of procedure may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

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16.12 Personal Explanation

A Member has the right to make a personal explanation when directly related to some material part of an earlier speech by the Member if it appears to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

17. STATE OF TENDRING STATEMENT

At the last ordinary meeting before the Annual Council meeting each year, the Leader will make a Statement on the State of the Tendring District. The Chairman may permit debate following the statement.

In addition, the text of the Leader of the Council's Statement on the State of the Tendring District must be emailed to the Committee Services Manager by no later than 5.00 p.m. on the day of the relevant Full Council meeting in order that copies of same can be printed and placed on Members' seats prior to the commencement of the Council meeting. The Committee Services Manager will also email the statement to all Members of the Council as soon as possible after they receive it from the Leader of the Council.

18. PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members.

18.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

This procedure rule does not apply to motions moved to adopt a recommendation to the Council from the Cabinet or a Committee.

19. VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members present in the room and voting at the time the question was put to the vote.

19.2 Chairman's Casting Vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how or whether the Chairman chooses to exercise a casting vote. In the case of an equality of votes for the election of the Chairman of the Council, the retiring Chairman or the person presiding at the meeting must exercise a casting vote.

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19.3 Show of Hands

Unless a recorded vote is demanded under Rule 19.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded Vote

If 9 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A recorded vote is mandatory on any decision relating to the budget or Council Tax. This includes not only the substantive budget motions agreeing the budget and setting Council taxes, but also on any amendments proposed at the meeting.

19.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, his vote will be so recorded in the minutes to show whether he voted for, or against, the motion, or abstained from voting.

19.6 Voting on Appointments

Where there is more than one person nominated and seconded for any position to be filled by the Council then unless the Council decides otherwise at the time, the person receiving most votes shall be appointed. Where there is only one person nominated and seconded, Members will cast their votes either for or against that person. The person nominated will be appointed if the votes for are more than the votes against.

~~19A. REMOTE VOTING~~

~~Unless a recorded vote is demanded, (which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman), the Chairman will take the vote:~~

- ~~(a) — by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or unavailable;~~
- ~~(b) — by the affirmation of the meeting if there is no dissent (by assent); or~~
- ~~(c) — the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.~~

~~If a connection to a Member is lost during a regulatory meeting (e.g. a meeting relating to planning, licensing or code of conduct matters), the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected (should they subsequently be re-connected) will not be able to vote on the matter under discussion as they would not have heard all of the facts.~~

20. MINUTES

20.1 Signing the Minutes

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The Chairman will sign the minutes of the proceedings at the next suitable ordinary meeting. The Chairman will move that the minutes of any previous meeting be signed as a correct record. The only issue in relation to the minutes that can be discussed is their accuracy.

20.2 Form of Minutes

Minutes of any Council, Committee or Sub-Committee meeting shall comprise a brief summary of the proceedings of, and business transacted at, the meeting. Minutes will not record details of the debate or the views or comments of individual Members.

Minutes will contain all motions and amendments in the exact form and order the Chairman accepted them as being proper motions/amendments and put them to the vote.

21. RECORD OF ATTENDANCE

All Members present during the whole, or part, of any meeting must sign their names on the attendance sheets before the end of that meeting to assist with the record of attendance.

22. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23. MEMBERS' CONDUCT

23.1 Standing to Speak

When a Member speaks at full Council he must stand (if possible) and address the meeting through the Chairman. If more than one Member stand, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of procedure or a point of personal explanation.

23.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at that time must stop and sit down. The meeting must be silent.

23.3 Member Not to be Heard Further

If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman or any other Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to Leave the Meeting

If the Member continues to behave improperly after a motion in Rule 23.3 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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23.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

~~23A MEMBERS EXCLUDED FROM THE MEETING~~

~~Where a Member is required to leave the meeting, such as by reason of a Disclosable Pecuniary Interest or as a result of Rule 23.4 the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business in which the Member or co-opted member may not participate.~~

24. DISTURBANCE BY PUBLIC

24.1 Removal of a Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he continues to interrupt, the Chairman will order his removal from the meeting room.

24.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Procedure Rules except Rules 19.5 and 20.1 may be suspended by motion on notice, or without notice, if at least 36 Members of the Council are present and 25 Members vote in favour of suspension. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion by a Member to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, will stand adjourned without discussion to the next ordinary meeting of the Council.

26. RESIGNATION OF CHAIRMANSHIP ETC

The Chairman or Vice-Chairman of the Council may at any time, by notice in writing delivered to the Chief Executive, resign their position and such resignation shall take immediate effect on delivery of the notice.

27. CASUAL VACANCIES ETC

On a casual vacancy occurring in the office of Chairman or Vice-Chairman of the Council an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council

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after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election.

28. STATUTORY OFFICERS' ADVICE

The Chief Executive, Monitoring Officer and Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to the Chairman and, if requested, to all Councillors present.

29. INTERPRETATION OF PROCEDURE RULES

At any meeting the ruling of the Chairman as to the construction or application of any of the Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged.

Any advice provided by the Statutory Officers in assisting the Chair for the application of the Rules can be shared with all Councillors.

30. PETITIONS

Petitions will be dealt with in accordance with the scheme approved by Council, contained within Part 5 of the Constitution.

The rules of debate will be in accordance with the Council Procedure Rules.

The length of speeches by presenters of petitions shall not exceed three minutes.

31. MINOR AMENDMENTS OF GUIDANCE

Any minor amendment of these rules as a consequence of any written advice or guidance to Officers and Members is delegated to the Monitoring Officer.

32. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of the Council.

None of these rules apply to meetings of the Cabinet.

Rules 6-9, (~~including 6A, 6B and 8A~~), ~~10A~~, 11.3-11.5, 11.7 – 11.9, 16 (excluding 16.4), 19 (excluding 19.4 and 19.6 ~~but including 19A~~), 20 – 24 (excluding 23.1 ~~but including 23A~~), 26, 28, 29 and 31 including those in Part 2 below apply with any necessary modification to meetings of Committees and Sub-Committees. Rule 40 applies only to the Planning Policy & Local Plan Committee and the Planning Committee.

(Yellow)

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COUNCIL PROCEDURE RULES

PART 2 – COMMITTEE MEETINGS

33. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES/VACANCIES IN CHAIRMANSHIP

33.1 General

Subject to the rules of political proportionality, as provided in the Local Government and Housing Act 1985 (Section 15) and the Local Government (Committees and Political Groups) Regulations 1990, and Rule 33.2 below, Full Council (usually at its Annual Meeting) will appoint Committees and Sub-Committees in accordance with the Local Government Act 1972 (Section 102).

33.2 Eligibility

Subject to the provisions of Rule 33.3 below the eligibility requirements with regard to membership of Committees and Sub-Committees are as follows:-

Overview and Scrutiny Committees

All Councillors except Cabinet members may be members of the Overview and Scrutiny Committees.

Audit Committee, Human Resources and Council Tax Committee, Licensing and Registration Committee, Planning Policy & Local Plan Committee, Planning Committee and Miscellaneous Licensing Sub-Committee

All Councillors may be members of these Committees. ~~though the Planning Policy & Local Plan Committee will contain different Members from the Planning Committee in order to minimise the risk and perception of, or accusations of, 'pre-determination' in the consideration of planning applications against policies in the Local Plan.~~

~~In addition, the~~ **The** members of the Miscellaneous Licensing Sub-Committee must also be members of the parent Licensing and Registration Committee.

CIPFA Guidance recommends that the membership of the Audit Committee should not cross-over with either the Executive or Scrutiny functions. However, Officers' advice is that if Members feel that cross membership is necessary then this should be limited to one member from each of the Executive or Scrutiny functions. The Chairman of the Audit Committee should not be a member of the Cabinet.

Standards Committee

All Councillors may be members of this Committee except that no more than one member of the Committee shall be a member of the Cabinet (and that member cannot be the Leader of the Council). In addition, no Leaders of Political Groups can be members of that Committee.

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Premises/Personal Licences Sub-Committee

The membership of this Sub-Committee is appointed on an ad hoc basis from the membership of the Licensing and Registration Committee.

33.3 Training Members of the Audit, Licensing and Registration, Planning and Standards Committees

In addition to specific training required as and when necessary, training shall be provided to all Members appointed to the Audit, Licensing and Registration, Planning and Standards Committees on an annual basis at an appropriate date and time after each annual meeting of the Council and such training shall be mandatory. **The Monitoring Officer shall define what is meant by the word “mandatory” and they will also decide whether the training offered/provided is/was sufficient and “fit for the purpose”.**

A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications.

A Member cannot sit as a member of the Licensing and Registration Committee unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.

A Member cannot sit as a member of the Audit Committee unless they have received specific training with regard to the determination of the Council's Statement of Accounts and comprehension of Auditor reports.

A Member cannot sit as a member of the Standards Committee unless they have received specific training with regard to the Hearings Procedure and participation in Hearings.

No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events.

33.4 Resignation of Chairmanship Etc.

Any Chairman, Vice-Chairman or Member of a Committee, Sub-Committee or Working Party may at any time, by notice in writing or personal email delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.

33.5 Casual Vacancies

In the case of a casual vacancy in the office of a Chairmanship or Vice-Chairmanship of a Committee, Sub-Committee or Working Party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.

34. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

(Yellow)

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34.1 General

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules 33.3 and 33.4. In the case of the Overview and Scrutiny Committees, such Substitute Members may not be Members of the Cabinet. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

34.2 Eligibility

A Substitute shall belong to the same political group (as defined in the Local Government and Housing Act 1989) as the Member for whom he is a Substitute. Substitution by, or of, Members not in a political group is not permitted.

Only the Member being substituted or their Group Leader (or Deputy) can appoint substitute members. Notification of a substitute from the Member being substituted or their Group Leader (or Deputy) must be given to Committee Services prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is received, the Group Leader (or Deputy's) request will take precedence.

34.3 Training Substitute Members of the Audit, Licensing & Registration, Planning and Standards Committees

In addition to specific training required as and when necessary, training shall be provided to all named Substitute Members appointed to the Audit, Licensing and Registration, Planning and Standards Committees on an annual basis at an appropriate date and time after each annual meeting of the Council.

34.4 Substitute Members of the Audit, Licensing & Registration, Planning and Standards Committees

Group Leaders shall, provide named Substitute Members (in accordance with proportionality rules) and all substitutions will only be permitted from this list. Any member of a political group shall be eligible to act as a named Substitute Member providing that they have received training in relation to all relevant Audit, Licensing & Registration, Standards-related or Planning matters under a continuing programme arranged by the Council. When naming a designated substitute, Group Leaders shall, as far as reasonably practicable, satisfy themselves that the named Member is as conversant with all relevant Audit, Licensing and Registration, Standards-related and Planning matters as the appointed members of those Committees.

34.5 Substitute Members of the Premises/Personal Licences Sub-Committees

Substitutes for Members of the Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute need not be a Member of the same political group and the provisions of Rule 34.2 shall not apply.

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The Committee Services Manager will, at the request of the Group Leader of a member of the Premises/Personal Licences Sub-Committee or at the request of the Member concerned, appoint a Substitute from amongst the appointed Membership of the Licensing & Registration Committee who should have received training in relation to licensing under a continuing programme arranged by the Council. Such request need not be in writing.

The Committee Services Manager will ensure that a fourth or standby Member, drawn from amongst the appointed membership of the Licensing & Registration Committee, is present at every meeting of the Premises/Personal Licence Sub-Committee. Such Member shall act as a member of the Sub-Committee in the event that one of the three Sub-Committee members becomes unable to act due to e.g. illness, conflict of interest.

35. MEETINGS OF COMMITTEES

35.1 Ordinary Meetings

The Committees of the Council will normally hold meetings (known as Ordinary Meetings for the purposes of these Procedure Rules) on dates and at times as the Council decides at its Annual Meeting.

~~The Chairman (or failing him the Vice-Chairman) of a Committee may, from time to time, vary the place, date or hour of a meeting or meetings of that Committee. Such variation will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.~~

The business of ordinary meetings of a Committee etcetera shall cease after a duration of three hours on the day on which the meeting commenced, or such earlier, or later, time as the Chairman shall consider appropriate. In the event that the Chairman wishes to extend the meeting beyond three hours they will be expected to give an indication of the length of that extension and secure the consent of the Committee etc. in doing so.

For the avoidance of any doubt the above requirement does not extend to a meeting of any committee or sub-committee which is conducting a Hearing into licensing or standards/conduct or other regulatory matters. On such occasions the Chairman will be expected to call regular adjournments of the Hearing in order for participants to have comfort and/or refreshment breaks.

35.2 Special Meetings

1. The Chairman of a Committee can call a Special Meeting of a Committee at any time.
2. A Special Meeting shall also be called on the requisition of a not less than a quarter of the whole number of Members of the Committee, delivered in writing, or by email to the Chief Executive but in no case shall less than three Members requisition a Special Meeting.

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No business except that set out in the Summons and Agenda shall be carried out at a Special Meeting of a Committee.

35.3 Recording and Streaming of Committee Meetings

In accordance with the approved Protocol for such matters, the Council will make an audio and/or audio-visual live stream and recording of meetings of its Committees, which will be made available on the Council's website for a period of at least one year from the date of the relevant meeting.

36. ATTENDANCE AT MEETINGS

Except as otherwise provided in this Constitution and in particular having regard to the provisions of the Access to Information Procedure Rules:-

- 36.1** Every Member of the Council shall be entitled to attend all meetings of Committees and Sub-Committees. This does not include attendance at Portfolio Holder Working Parties. A Member of the Council shall not take part in any discussion at a meeting of a Committee or Sub-Committee of which he is not a Member, unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the Committee under the provisions of Rule 12.6, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate Chairman prior to the relevant meeting if he wishes to speak at that meeting. **Exceptions to this include that the Chairman of the Planning Committee has a standing invitation to attend meetings of the Planning Policy & Local Plan Committee and to express the Planning Committee's views and comments on the Report items that are being considered by the Planning Policy & Local Plan Committee. Additionally, where a Member has, pursuant to notice duly given under Rule 12.6, moved a motion which has been referred to a Committee under Rule 12.5, he shall be given an opportunity of explaining that motion. have the right, in accordance with Rule 12.6, to attend the Committee meeting in order to answer any questions and/or points of clarification, if so requested.**

Where the public speaking scheme (Rule 40) applies to a particular application or matter before the Planning Committee, no Member shall be entitled to address or speak to the Planning Committee under this Rule. This does not detract from any rights the Member has under the public speaking scheme.

At such times as the Standards Committee (in respect of Hearings on standards/conduct related matters) or the Premises/Personal Licences Sub-Committee (in respect of Hearings on licensing related matters) exclude the press and public and retire to deliberate and reach their decision "in camera", only the duly appointed members of the decision making body will be allowed to remain in the meeting. All other Councillors will be treated as members of the public and will be excluded from the meeting at that time.

- 36.2 The Chief Executive, Chief Financial Officer and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such**

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instances, the Committee or Sub-Committee in question will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.

37. SUB-COMMITTEES AND WORKING PARTIES

The Council will decide the establishment, terms of reference, delegated powers, number of Members and the allocation of seats to political groups for all new Sub-Committees.

The Council, (normally at its Annual Meeting) will also appoint individual Members to standing Sub-Committees and will appoint the Chairman and Vice-Chairman of those Sub-Committees.

Every non-overview and scrutiny Committee of the Council may appoint working parties for specified purposes in accordance with Part 3 of this Constitution. The Committee may amend the constitution of the working parties or dissolve them at any time.

The Chairman and Vice-Chairman of any working parties appointed by a Committee will be determined at the first meeting of the working party. Meetings of working parties will normally be convened, either at an earlier meeting of the working party or by the Committee Services Manager in consultation with their Chairman.

38. QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

Subject to Rules 11.4 and 11.5 and upon providing two working days' notice, a Member of a Committee may, at a meeting thereof, ask the Chairman of it a question on any matter in relation to which the Council has powers or duties of which affect the Tendring District and which falls within the terms of reference of that Committee.

39. SITE VISITS, SPECIFIC BRIEFING OR TRAINING

39.1 Where a site visit, specific briefing or training is called by Officers in relation to a planning or licensing application received by the Council, any Member or Substitute Member of that Committee who does not attend the site visit, specific training or briefing, shall not be eligible to take part at the meeting at which the application to which the site visit, specific training or briefing related is to be considered.

39.2 Notification of site visits arranged by any Committee or Sub-Committee shall be given to the Members for the ward in which the site is situated. Such Members shall have the right to attend the site visit but shall not take part in any discussion unless specifically invited to do so by the Chairman of the body that has arranged the site visit. The body arranging the site visit shall not exercise any delegated powers nor take any decisions in the course of the visit.

40. SCHEMES TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE PLANNING POLICY & LOCAL PLAN AND PLANNING COMMITTEES

The Planning Policy & Local Plan Committee and the Planning Committee will each have a scheme providing a limited right for speaking by members of the public in relation to applications

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or other matters of business. The schemes shall be in such a form as the Full Council determines having considered a recommendation from the relevant Committee.

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ARTICLE 7 – THE EXECUTIVE

7.08 Cabinet Procedure Rules

1. MEETINGS

1.1 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices (the Town Hall) or another location to be agreed by the Leader. ~~Such location will include holding the meeting or meetings by remote means in order to comply with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.~~

1.2 Meetings of the Cabinet

Meetings of the Cabinet and their committees must be held in public in accordance with the Access to Information Procedure Rules except where confidential or exempt information is to be discussed.

In accordance with the approved Protocol for such matters, the Council will make an audio and/or audio-visual live stream and recording of meetings of Cabinet and their Committees, which will be made available on the Council's website for a period of at least one year from the date of the relevant meeting.

1.5 Who may Attend?

- (i) Subject to the Access to Information Rules and the provisions of the Members' Code of Conduct, any Councillor may attend meetings of the Cabinet. They may not speak without the consent of the Leader, or in any case vote.
- (ii) The Leader or Deputy Leader of any political group may, as of right, attend meetings of the Cabinet and participate fully in the discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of a group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group's opposition to all, or part, of a decision.
- (iii) Meetings of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer (or their Deputy), the Monitoring Officer (or their Deputy) and other relevant Corporate Directors or Assistant Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive.

(iv) The Chief Executive, Chief Financial Officer and Monitoring Officer have the right to attend, speak on an item of business and present a report to discharge their statutory and constitutional duties whenever necessary.

~~(iv) The Chief Financial Officer and Monitoring Officer have the right to attend and present a report to discharge their statutory duties whenever necessary.~~

(v) The Constitution includes no provision for substitute members at meetings of the Executive.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

The rights to information are explained in more detail in the Access to Information Rules in Part 5 of this Constitution. Other rights include:

(a) **Voting and petitions:**

People on the Electoral Register for the District have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information**

The public have a right to:

- (i) Attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed (Committees for this purpose do not include Working Parties/Groups and/or Task and Finish Review Groups);
- (ii) Attend meetings of the Cabinet when key decisions are being considered;
- (iii) Find out from the Council's website what key decisions will be taken by Cabinet and when;
- (iv) See reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) In accordance with the published timescales inspect the Council's accounts and make their views known to the external auditor.

~~(c) **Remote Attendance by Members of the Public**~~

~~The public notice of the date and time of a Council, Committee or Cabinet meeting will include details of whether the meeting is being held as a remote meeting, and if so details will be included and available on the Council's website on how to access the meeting.~~

(c) **Participation**

- (+) The public have a right to participate by submitting written questions to Full Council meetings and contribute to investigations by the Overview and Scrutiny Committees. The public can also participate at meetings of the Planning Policy & Local Plan Committee and the Planning Committee in accordance with the relevant Public Speaking Schemes.

~~(ii) — A member of the public's right to attend a Council or Committee meeting in order to exercise a right to speak includes remote meetings in the circumstances as set out in Council Procedure Rule 10A within Part 4 of the Constitution. Details on how to join the meeting for the purposes of participation on a particular agenda item will be provided.~~

(d) Complaints

The public have a right to complain to:

- (i) A Ward Councillor;
- (ii) The Council itself under its Complaints Scheme, details of which are available on the Council's website;
- (iii) The Local Government and Social Care Ombudsman, after using the Council's own Complaints Scheme;
- (iv) **The Housing Ombudsman;**
- (v) The Monitoring Officer about a breach of the Council's Code of Conduct (which sets out the standards of behaviour expected of a Councillor and is contained within Part 6 of this Constitution). The Complaints Procedure is available on the Council's website.

3.02 Citizens' Responsibilities

At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.

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RESPONSIBILITY FOR COUNCIL – NON EXECUTIVE FUNCTIONS		
Committee	Functions and Terms of Reference	Delegated Functions
Full Council	<p>Those functions retained for responsibility by Full Council as set out in Article 4 of the Constitution and the following specific functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</p> <p>D. Discharge the following Functions relating to Elections:</p> <ul style="list-style-type: none"> • Duty to appoint an Electoral Registration Officer • Power to dissolve Parish Councils • Power to make orders for grouping parishes, dissolving groups and separating parishes from groups • Duty to appoint Returning Officer for local government elections • Duty to provide assistance to European Parliamentary elections • Power to fill vacancies in the event of insufficient nominations • Power to submit proposals to Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 	<p>Chief Executive in consultation with the Council Chairman:</p> <ol style="list-style-type: none"> 1. Agreeing the scale of fees payable at elections at District and Parish Councils, referenda and Parish Polls. <p>Chief Executive:</p> <ol style="list-style-type: none"> 1. Returning Officer at Local Elections 2. Power to assign Officers in relation to requisitions of the Registration Officer. 3. Actions required meeting the duty to provide assistance at European Parliamentary elections 4. To divide constituency, and electoral divisions and wards into polling districts and designate their polling places 5. Powers in respect of holding of elections 6. Power to pay expenses properly incurred by Electoral Registration Officers

	<ul style="list-style-type: none"> • Duty to consult on change of scheme for elections and associated powers under the Local Government Public Involvement and Health Act 2007 	<p>7. Duty to declare vacancy in office in certain cases</p>
	<p>E. The discharge of the following functions relating to the Name and Status of Areas</p> <ul style="list-style-type: none"> • Power to change the name of the district or parish • Power to petition for a charter to confer borough status <p>EB. Discharge the Duties, Functions and Powers relating to Community Governance</p> <p>F. Power to Amend, Revoke or Re-enact Byelaws</p> <p>G. Power to Promote or Oppose Local or Personal Bills</p> <p>Discharge of the following miscellaneous functions – Part II:</p> <ul style="list-style-type: none"> • Power to make standing orders (this includes amendments to the Constitution) • Power to make standing orders as to contracts • Duty to make arrangements for the proper administration of financial affairs • Power to appoint Officers for particular purposes (appointment of “Proper Officers”) • Duty to designate Officer as the head of the authority’s Paid Service, and to provide staff, etc. • Duty to designate Officer as the Monitoring Officer, and to provide staff, etc. • Duty to provide staff etc. to person nominated by Monitoring Officer 	<p>8. Duty to give public notice of a casual vacancy</p> <p>9. Power to make temporary appointments to parish councils</p> <p>10. Regrading posts, restructuring and determining staff levels (except where Section 4 of the Local Government Act 1989 applies and it is appropriate for the full Council to consider any proposals of the Head of Paid Service in this regard)</p> <p>11. Power to authorise compensation payments up to a maximum of £5,000 as a result of Local Government & Social Care Ombudsman or Housing Ombudsman recommendations or by virtue of the Corporate Complaints Procedure</p> <p>Chief Executive or Monitoring Officer:</p> <p>1. The Proper Officer before whom a Member’s formal Declaration of Acceptance of Office may be made.</p>

	<ul style="list-style-type: none"> • Power to make payments or provide other benefits in cases of maladministration <p>Other matters</p> <p>Those as set out in Article 4 of the Constitution together with:</p> <ul style="list-style-type: none"> • Prepare and approve a Pay Policy Statement for the financial year in accordance with Chapter 8 of the Localism Act 2011. 	<ol style="list-style-type: none"> 2. The appointment or removal of any individual to/from a Committee, Sub-Committee, panel or working party at the request of the relevant Group Leader. 3. The advertisement of vacancies for the position of Independent Person(s) and the Independent Remuneration Panel, the review of applications received; the interview of suitable candidates and the making of recommendations to Council as to who should be appointed.
	<ul style="list-style-type: none"> • The appointment of the Chief Executive • On the recommendation of the Human Resources and Council Tax Committee: <ul style="list-style-type: none"> (a) the dismissal including redundancy, in accordance with the statutory provisions, of the Chief Executive, Chief Finance Officer or Monitoring Officer (following the outcome of an Independent Panel) (b) The voluntary early retirement and voluntary redundancy of the Chief Executive (c) The retirement on grounds of ill health of the Chief Executive on the recommendation of the Council's medical advisor (d) the terms and conditions of the Chief Executive 	

SCHEDULE 4 - SCHEDULE OF PROPER OFFICERS AND RELATED PROVISIONS

The Council has appointed the following Proper Officers:-

STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Government Act 1972			
Section 41	Returning Officer at Local Elections	Chief Executive	Deputy Chief Executive
Section 83	Witness and receipt of Declarations of Acceptance of Office	Chief Executive	Monitoring Officer
Section 84	Receipt of Notice of Resignation	Chief Executive	Monitoring Officer
Section 88	Convening of Meeting of Council to fill casual vacancy in office of Council Chairman	Chief Executive	Monitoring Officer
Section 89	Receipt of Notice of casual vacancy in the case of Councillors	Chief Executive	Head of Democratic Services & Elections
Section 100B(2)	Exclusion of Reports from inspection by public	Monitoring Officer	Deputy Monitoring Officer
Section 100B(7)	Provision of copies of documents other than Agenda and Minutes to the Press	Assistant Director (Governance)	Head of Democratic Services & Elections
Section 100C(2)	Provision of summary of proceedings of a closed meeting	Monitoring Officer	Deputy Monitoring Officer
Section 100D(5)	Provision of background papers	Head of Democratic Services & Elections	Committee Services Manager
Section 100F(2)	Disclosure of documents to Members	Monitoring Officer	Deputy Monitoring Officer
Section 115	Receipt of money due from Officers	Section 151 Officer	Deputy Section 151 Officer
Section 146	Statutory Declarations and Certificates with regard to securities	Section 151 Officer	Deputy Section 151 Officer
Section 151	Responsibility for provision of adequate	Section 151 Officer	Deputy Section 151 Officer

	and effective Internal Audit function		
Section 191	Functions with respect to Ordnance Survey Act 1841	Corporate Director (Place and Economy)	Assistant Director (Strategic Planning & Place)
Section 210	Powers in respect to local charity	Section 151 Officer	Deputy Section 151 Officer
STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Government Act 1972 cont.			
Section 212	Local Land Charges Register	Assistant Director (Planning)	Support & Development Manager
Section 225(1)	Deposit of Documents	Assistant Director (Governance)	Committee Services Manager
Section 229(5)	Certification of copies of documents intended to be used in legal proceedings	Monitoring Officer	Deputy Monitoring Officer
Section 234(1)	Authentication of Documents	Monitoring Officer	Deputy Monitoring Officer
Sections 236 & 238	Certification of Byelaws	Assistant Director (Governance)	An in-house Solicitor
Schedule 12 – Para 4 (a)	Signature of Council Summons	Chief Executive	Deputy Chief Executive
(b)	Receipt of Notice of address for Council Summons	Head of Democratic Services & Elections	Committee Services Manager
Schedule 14 – Para 25	Certification of Resolutions	Monitoring Officer	Deputy Monitoring Officer
Schedule 16 – Para 28	Receipt of deposit of Lists of protected buildings	Corporate Director (Place & Economy)	Assistant Director (Planning)
Schedule 22 – Para 17	Authentication of Notices etc. under the Housing Acts	Corporate Director (Operations and Delivery)	Assistant Director (Housing & Environment)
Local Government (Miscellaneous Provisions) Act 1976			
Section 41	Evidence of Resolutions and Minutes of proceedings	Monitoring Officer	Deputy Monitoring Officer
Representation of the People Regulations 1986			

Regulation 96	Retention of documents relating to Postal voting	Chief Executive	Head of Democratic Services & Elections
Representation of the People Act 1983			
Section 8(2)	Appointment of Electoral Registration Officer (automatically acting Returning Officer in Parliamentary elections)	Chief Executive	Deputy Chief Executive
STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Representation of the People Act 1983 cont			
Sections 18B and 31	Designation of Polling Stations Districts and Places (Parliamentary and Local Government Elections)	Chief Executive	Assistant Director (Governance)- Head of Democratic Services & Elections
Section 52(3)	Deputising for Registration Officer	Deputy Chief Executive	Head of Democratic Services & Elections
Sections 67 to 70	Appointment etc. of Election Agent	Returning Officer	Returning Officer to appoint Deputies at each election (as required)
Sections 75, 81, 82 & 89	Return of election expenses	Chief Executive	Head of Democratic Services & Elections
Section 128	Publication of election Petition	Chief Executive	Head of Democratic Services & Elections
Section 131	Provision of accommodation for election court	Chief Executive	Head of Democratic Services & Elections
Local Elections (Principal Areas) Rules 1986			
Rule 44	Receive notice of Declaration of Result	Chief Executive	Head of Democratic Services & Elections
Rules 46 to 48	Retention of election documents	Chief Executive	Head of Democratic Services & Elections
Police and Crime Commissioner Elections Order 2012			
Section 10 Article 10	Designation of Polling Stations Districts & Places	Chief Executive	Assistant Director (Governance)- Head of Democratic Services & Elections
Local Government Finance Act 1988			
Section 114	Report to Full Council in respect of unlawful expenditure or an unbalanced budget	Section 151 Officer	Deputy Section 151 Officer
Section 116	To inform the Authority's external auditor of the date, time, place and	Section 151 Officer	Deputy Section 151 Officer

	outcome of meetings held under Section 115 of the Act		
Local Government (Committees and Political Groups) Regulations 1990			
Regulations 8-10, 13, 14 & 17	Political balance and appointments to committees	Chief Executive	Assistant Director (Governance)
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000			
Regulations 5-8	Functions relating to petitions and referenda for elected mayor	Assistant Director (Governance)	Head of Democratic Services & Elections
STATUTORY REFERENCE	FUNCTION	PROPER OFFICER	Officer to act in event of Proper Officer being unable to
Local Authorities (Standing Orders) (England) Regulations 2001			
Schedule 1 Part II	Functions relating to the appointment and dismissal of a member of staff	Chief Executive	Assistant Director (Partnerships)
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and final determination of 'Need to Know'			
Regulations 2, 7, 10, 12, 13, 14, 15, 16 & 20 and Common Law position	Access to Information Procedure and Recording of Decisions	Monitoring Officer	Deputy Monitoring Officer

A.4 APPENDIX F

Committee	Functions and Terms of Reference	Delegated Functions
<p>Audit Committee</p>	<p><i>The discharge of the following miscellaneous functions – Part II as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities Regulations) (England) 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Duty to approve the authority’s statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</p> <p>Additional roles and functions of the Committee are as set out below:</p> <ol style="list-style-type: none"> 1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment; 2. To provide independent scrutiny of the Council’s financial and non-financial performance to the extent that it affects the Council’s exposure to risk and weakens the control environment; 3. Considers the annual budget for the internal audit service as part of the Council’s budget setting process; and 4. To oversee the financial reporting process: <p>Audit Activity</p> <ol style="list-style-type: none"> 1. Considering the Internal Audit Manager’s annual report and opinion and a 	<p>Section 151 Officer and Internal Audit Manager</p> <p>The provision of advice and support to the Audit Committee on all aspects of its functions and duties</p>
	<ol style="list-style-type: none"> summary of internal audit activity (actual and proposed), and the level of assurance it can give over the Council’s corporate governance arrangements. 2. Considering reports on the operation of internal audit and summaries of specific internal audit reports where requested. 3. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale. 	

(Green)

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A.4 APPENDIX F

	<p>4. Considering Assessing external auditor and external regulatory inspection reports and monitoring any quality improvement programmes where required. Comments are provided providing comments on these to Cabinet as appropriate.</p> <p>5. Commenting on the scope and depth of external audit work and ensuring it gives value for money.</p> <p>6. Liaising with the Audit Commission in regard to the appointment of the Council's external auditor.</p> <p>Regulatory Framework</p> <p>7. Reviewing significant issues referred by the Chief Executive, Cabinet or any Council Committee (subject to the availability of resources within the approved audit plan).</p> <p>8. Monitoring the effective development and operation of risk management and corporate governance.</p> <p>9. Monitoring Council policies on "Raising Concerns at Work", the whistleblowing policy and the anti-fraud and corruption strategy.</p> <p>10. Overseeing the production of the Code of Corporate Governance, including the Statement of Internal Control.</p> <p>11. Considering the arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.</p> <p>12. Considering the Council's compliance with its own and other published standards and controls (other than those covered by the Standards Committee).</p>	
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(Green)

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	Accounts	
	13. Reviewing and approving the annual statement of accounts.	
	14. Considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	
	15. Receiving the external auditor's report to those charged with governance.	

(Green)

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A.4 APPENDIX G – PROPERTY DEALING PROCEDURE (APPENDIX A)

PROPERTY DEALING PROCEDURE - APPENDIX A Levels of Decision Making

Right or interest to be granted/acquired	Officer who is Head of Department or Corporate Director	Officer who is Corporate Director (Operations & Delivery)	Relevant Portfolio Holder for Assets (See Note below)	Cabinet
Reporting	Formal Record of Officer Decision to be completed and published*		Formal Report and Record of Decision required to be completed and published	
1. A licence or access agreement for 12 months or less				
2. a licence or access agreement for more than 12 months or any tenancy at will				
3. Tenancies for less than seven years excluding security of tenure				
4. Renewal, assignment or surrender of tenancies as 3 above				
5. Tenancies for seven years or more or tenancies not excluding security of tenure				
6. Renewal, assignment or surrender of tenancies as 5 above				
7. Grant, acquisition or release of Rights of Way, Easements or other permanent rights				
8. Freehold property interest less than £100,000				
9. Freehold property interest more than £100,000				
10. Any disposal of open space where objections have been received				

11. Any disposal at less than the Best Consideration Reasonably Obtainable				
12. New Lease to residential tenant under Chapter II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993 (commonly referred to as a lease extension)				

*Subject to access to information rules.

Note: The relevant Portfolio Holder will be determined by whether the property sits, or will sit, within the General Fund or the Housing Revenue Account.

Greyed box indicates level of decision making.

A.4 APPENDIX H

4.3 TENDERS (Procurement greater than £50,000 excluding VAT)

4.3.8 Acceptance of Tenders

- (a) Unless the requirements of Procurement Procedure Rules 4.3.5 (v) have been applied, the most financially advantageous tender to the Council shall be accepted by the Corporate Director/Head of Department (in consultation with the relevant Portfolio Holder or Committee Chairman).
- (b) Where Procurement Procedure Rule 4.3.5 (v) applies, the tenders must be evaluated in accordance with the agreed evaluation process/criteria, and evidence retained to demonstrate this. The tender identified as most advantageous to the Council shall be accepted by the Corporate Director/Head of Department (in consultation with the relevant Portfolio Holder or Committee Chairman).
- (c) **In those instances when only one Tender has been submitted but it is deemed advantageous to the Council following the evaluation process, that tender shall be accepted by the Corporate Director/Head of Department, in consultation with the Corporate Finance & Governance Portfolio Holder and the relevant Portfolio Holder or Committee Chairman.**

The Corporate Director/Head of Department will produce a detailed report explaining why this course of action has been pursued and the said report will be circulated, alongside the Officer decision, to all members of the Council.

A.4 APPENDIX I**ARTICLE 13 – DECISION MAKING****13.01 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas of functions. This record is set out in Part 3 of this Constitution. The Council's Monitoring Officer will also retain a central record of delegations by the Chief Executive, the Corporate Directors and Assistant Directors providing authority within their respective service areas of responsibility.

13.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;
- (c) Respect for human rights, and equality and diversity;
- (d) A presumption in favour of openness;
- (e) Clarity of aims and desired outcomes; and
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).

13.03 Key Decisions

A "key decision" means an executive decision that is likely to –

- result in the local authority incurring expenditure which is, or the making of savings which are in excess of, £100,000 or is significant having regard to the local authority's budget for the service or function to which the decision relates; or
- be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.

A decision-taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Article 7 of this Constitution.

13.04 Decision making by Council, Cabinet, Overview and Scrutiny Committees, Other Committees and Sub-Committees

All decisions will follow the general principles contained within this Article. In addition, decision-makers will follow the relevant procedure rules, as set out in Part 5 or Article 7, as appropriate when considering the matter.

The Chief Executive, Chief Financial Officer and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such instances, the decision making body will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.

13.05 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations, or the criminal responsibility, of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial as contained in Article 6 of the European Convention on Human Rights.

A.4 APPENDIX J

ARTICLE 6 – OVERVIEW AND SCRUTINY FUNCTION

6.01 General Role and Functions:

The Council will appoint two Overview and Scrutiny Committees, whose terms of reference are as set out below. Within its functions, each Overview and Scrutiny Committee will:

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

In undertaking the General Role the following principles apply:

- (i) The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;
- (ii) Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic on a task and finish basis.

The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and

- (iii) Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.

6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

(i) Community Leadership Overview and Scrutiny Committee

~~To hold scheduled meetings every two months but with the Chairman able to call additional formal meetings.~~ **Meetings of the Committee will be held in accordance with the programme of meetings approved at the Annual Meeting of the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, or by the Head of Democratic Services & Elections, if considered necessary or appropriate.** Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

To perform the role of Overview and Scrutiny and its functions in relation to:-

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

(ii) Resources and Services Overview and Scrutiny Committee

- The Chairman and the Vice-Chairman of the Committee will normally be Members of a political group that is not represented on the Cabinet. ~~The Committee will hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings.~~ **Meetings of the Committee will be held in accordance with the programme of meetings approved at the Annual Meeting of the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, or by the Head of Democratic Services & Elections, if considered necessary or appropriate.** Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

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- To perform the role of Overview and Scrutiny and its functions in relation to the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness of:

Financial Forecast Budget setting and monitoring (including General Fund & Housing Revenue Account)

Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)

Procurement and Contract Management

Transformation and Digital Strategies

Customer Service and Standards

6.03 Proceedings of the Overview and Scrutiny Committees:

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 5 of this Constitution.

A.4 APPENDIX K – OVERVIEW & SCRUTINY PROCEDURE RULES

4. MEETINGS OF THE COMMITTEE

~~There will be eight ordinary meetings of the Resources and Services Overview and Scrutiny Committee in each year. The Community Leadership Overview and Scrutiny Committee will meet every other month.~~ **Meetings of the Overview and Scrutiny Committees will be held in accordance with the programme of meetings approved at the Annual Meeting of the Council.** In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of the relevant Committee, or by the Head of Democratic Services & Elections, if considered necessary or appropriate.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) It shall be for the relevant Management Team member to determine which Officers attend to provide advice to Overview and Scrutiny Committees, subject to each Committee being able to supplement this as thought necessary through (b), (c) and (d) below: **However, the Chief Executive, Chief Financial Officer and Monitoring Officer have the right to attend, speak on an item of business, provide representations and present a report to discharge their statutory and constitutional duties whenever necessary. In such instances, the Overview and Scrutiny Committee will give due regard of the relevant advice provided. The decision and minutes of the meeting will record the advice, how it was taken into account and reasons for any departure.**
- (b) Any Overview and Scrutiny Committee may scrutinise and review decisions made or action taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Overview and Scrutiny role, it may require any Cabinet Member, or any Senior Officer to attend before it to explain in relation to matters within their remit:
- (i) any particular decision or series of decisions (excluding decisions made by the Planning, Licensing, Audit or Standards Committees); and/or
 - (ii) the extent to which the actions taken implement Council policy.
- (c) Where any Cabinet Member or Senior Officer is required to attend a meeting of the relevant Overview and Scrutiny Committee, at least seven working days' notice of the meeting at which they are required to attend shall be given. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the relevant Committee. Where the account to be given to the Committee will require production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that document.

- (d) Where, in exceptional circumstances, the Cabinet Member or Senior Officer is unable to attend on the required date, the Chairman of the relevant Committee, shall, in consultation with the Member or Officer, arrange a substitute or an alternative date for attendance.
- (e) Participation by any Cabinet Member(s) in the general debate of the Overview and Scrutiny Committees will be at the discretion of the relevant Chairman (this rule does not apply when the Committee is considering a call-in).

A.4 APPENDIX L

**PROTOCOL FOR WEBCASTING OF FORMAL
COUNCIL MEETINGS AND FOR PUBLIC
FILMING AND REPORTING OF MEETINGS**

This protocol is provided to assist the conduct of webcasting and other filming/recording of meetings and to ensure compliance with its obligations under the Openness of Local Government Bodies Regulations 2014, Data Protection Act 2018 and the Human Rights Act 1998.

Webcasting of public council and committee meetings

Introduction

Tendring District Council is committed to being open and transparent in the way it conducts its business. Most formal meetings of the public are open to the public to attend and there are schemes covering the submission of petitions and questions to the Council meetings as well as schemes for public speaking at meetings of the Planning Committee. However, some residents may not be able to attend the meetings they are interested in. To ensure that those residents can still engage in the democratic process, the Council films and streams, live, many of its meetings ('webcasting'). These can then be watched online as the meeting happens or up to 24 months after the meeting (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). In addition to the webcasting service provided by the Council, there are additional legal rights for the public to attend all of our formal public meetings and film, photograph, audio record or report from the meeting using social media or any other means (subject to it not being disruptive). These rights are explained below.

Which meetings are webcast?

The Council aims to webcast all its formal meetings to which the public have a right to attend. This includes meetings of its Council, Cabinet, Planning Committee and other committees.

How do we webcast and how long will the recording be available?

Cameras will be located in the Council's Committee Room at the Town Hall/Princes Theatre to provide the webcasting facility. The Council may also hold hybrid meetings, where some participants join the meeting remotely through a video link. The webcast of meetings will be available on the Council's website for a period of up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year) and, after that, the recordings will be deleted.

In so far as individuals can be identified visually on a webcast or they can be heard in a recording, Tendring District Council will use that personal information as part of its official authority/public task and in order to promote engagement, service delivery and democratic responsibilities.

When individuals partake in a meeting that is webcast, the Council may share their information with Elected Members, other Tendring District Council Services, other individuals involved in the meeting and the public through its webcast service. We may also provide your information to our suppliers to enable us to deliver this service.

Anyone who does not give their consent to be filmed/recorded as part of a meeting to which this protocol applies must specifically request the Council's Monitoring Officer for an exception to be made in advance of the meeting. The Monitoring Officer will take a view on a case-by-case basis on whether there is sufficient justification for making an exemption.

In relation to these matters, the Council will normally not show camera footage of members of the public who address the formal meeting of Council, Cabinet or a Committee when presenting petitions, asking questions or as part of a public speaking scheme of the Council. Audio of their contributions will be webcast and recorded. However, the camera will, during such public involvement in meetings record either a wide angle view of the Councillors attending or of the Chairman of the meeting. A statement to the effect that a member of the public is speaking shall be displayed on the webcast/recording where this is possible by way of explanation of the audio and video element of the webcast/recording at that time.

In addition to the above, the webcast/recording shall normally not show camera footage of the press and public gallery and those there. It cannot be guaranteed that no footage will be webcast or recorded, however, efforts will be made to minimise or avoid entirely that footage.

Are there any meetings or parts of meetings which the Council may not webcast?

Tendring District Council wants to make sure meetings are webcast as far as possible to ensure full engagement with the public. However there are instances where it may not be appropriate to webcast a meeting or parts thereof, for example:

- **When an individual, who is presenting at a public meeting, specifically requests not to appear on the public webcast, and we agree with the request.** We will always seek to accommodate such requests and work with that individual to agree an approach that is satisfactory to all parties. Any such part of a meeting that has not been broadcast will not appear online or be available following the meeting. If you are watching from home you will see a notice appearing on the screen to let viewers know what is happening. If you object to appearing in the webcast, you should make this known in writing prior to the meeting by emailing democraticservices@tendringdc.gov.uk and we will contact you to discuss further.
- **In considering whether or not to record contributions by children at meetings** the Council will, for those aged 16 or over check with the young people themselves that they are content to be filmed and, subject to that, record and broadcast them. For children younger than 16, or those who are otherwise thought vulnerable, we will record only with the consent of the appropriate parent or guardian. If we are in any doubt we will stop the webcast whilst children are speaking. If the children are attending as part of an event involving stakeholder(s) (for example, a school or schools), the Council will expect the stakeholder(s) to have procured the necessary parents' consents.
- **When Councillors at a meeting pass a resolution to exclude the press and public because there is likely to be disclosure of exempt or confidential information.** The Council will always try to conduct its business in public, however from time to time the press and public may be excluded from meetings in accordance with the rules set out in legislation and the Council's Constitution. You will be notified if watching from home that the webcasting has ceased for this part of the meeting and why. The Chairman of the meeting will be asked to

confirm that webcasting has stopped before starting to discuss exempt or confidential information.

Rights of the public to film, record and photograph at any meeting

In addition to the webcasting of meetings hosted by the Council, by law the public also has a right to (subject to it not being disruptive):

- Film, photograph or audio record a meeting or any part thereof
- Use any other means (e.g. tweeting, blogging etc.) to enable those not present to see or hear proceedings as they happen or later
- Report or provide commentary of the proceedings so that the reporting or commentary is available as the meeting takes place or later

Why does the Council allow the public and press to film, record and photograph its meetings?

In 2014, the Openness of Local Government Regulations came into force. This enabled the public to report from all local authority public meetings, in a bid to increase transparency and openness in local decision making.

The provisions only apply to meetings of the Council held in public. You may not film, record or use social media to report from any of the Council's meetings which are private or not open to the public.

Full details of the right of the public to film, record and use social media to report from a meeting, including the exemptions mentioned above, can be found in the [guide](#) issued to accompany these regulations.

Are there any other restrictions if I want to report from a meeting?

You do not have to ask us permission in advance to film, record, photograph or report from the meeting using social media. However, we do ask that you respect the following when recording and otherwise reporting from a meeting of the Council:

- Please do not film, photograph or report the views of children, young people, vulnerable people and other members of the public who actively object to being filmed or photographed
- Beware that the common law applies – for example laws on public order offences and defamation
- Please exercise your right to freedom of speech with responsibility – this means respecting the views of others when reporting from a meeting and not disrupting the proceedings
- Please do not edit your filming or recording of the proceedings in a way which may lead to misinterpretation
- Please show respect for those that you are filming or reporting on
- Remember you are only permitted to film, record, photograph or report from the public meeting itself (i.e. from the time it is called to order to the time it

concludes). Activity and discussion before or afterwards does not fall within the scope of the regulations

- Filming, recording, photographing or reporting is only permitted of the meeting, not of the public gallery

Signage of webcasting and other filming and recording at meetings

Agendas relating to meetings that may be webcast will include a statement to alert the public to the webcast as well as the rights of the public generally to film, record, photograph and use social media to report from the proceedings, as follows:

WEBCASTING NOTICE

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). A copy of it will also be retained in accordance with the Council's data retention policy.

The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on democraticservices@tendringdc.gov.uk

The Chairman of the meeting will also make an announcement at the beginning of the meeting to make sure everyone understands that the meeting will be webcast and that they may also be filmed by others in the Chamber.

Social Media comments during webcasting

The Council may use generally available platforms to show its webcast footage. When it does so, and if the platform allows for comments to be made by viewers, the Council will provide a message to make it clear that it does not monitor comments and there is no facility to pass those comments on to the attendees of the meeting.

Other provisions

Webcasting

The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported;
- (iii) Any other reason supported by the Council/Committee.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is, or is likely to be, in breach of any statutory provision or common law rule, for example Data Protection and/or Human Rights legislation or provisions relating to confidential or exempt information. There may also need to be a temporary removal of webcasts while allegations of breaches are investigated. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

Any elected Member who is concerned about any webcast should raise their concerns with the Head of Democratic Services and Elections.

Other filming, recording, photographing or the use of social media for reporting from the meeting

The Chairman of the meeting has the absolute discretion to terminate or suspend filming, recording and use of social media by members of the public during a meeting if, in their opinion, the activity:

- is disrupting the meeting and impeding good decision making;
- is infringing the rights of any members of the public;
- is in danger of repeating a defamatory statement that has been made.

A.4 APPENDIX M

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) Composition

The Council comprises 48 members, otherwise called Councillors. One or more Councillors will be elected by the voters in Wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England, and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the District, or those living or working there, will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular elections.

2.03 Roles and Functions of all Councillors

(a) Key roles. All Councillors will:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;
- (iii) Effectively represent the interests of their ward and of individual residents;
- (iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;
- (v) Be involved in decision-making for the people of the District as a whole;
- (vi) Be available to represent the Council on other bodies; and
- (vii) Contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Members are entitled to receive information from Officers in a timely manner to reasonable requests for the purposes of undertaking their role as Ward Councillors, decision makers and performing functions, such as overview and scrutiny (**this is referred to as the common law ‘need to know’ principle**). Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

However, if the member’s motive for seeing documents is indirect, improper or ulterior, this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on ‘fishing expeditions’ through their council’s documents. If a councillor is a member of a particular committee or sub-committee then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why sight of them is necessary to perform their duties (See R V Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603).

- (iii) Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iv) For these purposes “confidential” and “exempt” information is defined in the Access to Information Rules in Part 5 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and protocols set out in Part 6 of this Constitution.

Councillors are also expected to comply with the requirements of any risk assessments issued by the Council in performance of their functions

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 7 of this Constitution.

~~2.06 Attendance~~

~~It is a requirement that if a Member exceeds four months without attending a meeting of the Council or of the Cabinet if appointed as a Portfolio Holder or attending a meeting of a committee or sub-committee of the Council either as an appointed member or as a substitute member thereof that shall be reported to the next Council meeting.~~

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

25 FEBRUARY 2022

REPORT OF CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.5 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2022/23 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

(Report prepared by Richard Barrett and Wendy Borgartz)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree the Annual Capital and Treasury Strategy for 2021/22 (including Prudential And Treasury Indicators) for submission to Council on 29 March 2022, subject to consultation with the Resources and Overview Scrutiny Committee.

EXECUTIVE SUMMARY

- The Local Government Act 2003 and supporting regulations require the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that sets out the Council’s policies for managing its investments and for giving priority to the security and liquidity of those investments, “having regard” to the Chartered Institute of Public Finance and Accountancy’s (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice.
- The current editions of the above codes that the Council’s capital and treasury activities reflect were issued in December 2017. These included the requirement to publish as Capital Strategy, which from 2019/20 has been combined with the Treasury Strategy into one document, which is required to be updated / approved annually
- CIPFA published revisions to both of the above codes in December 2021, but as part of the associated announcements, they confirmed that they will not be fully implemented until the 2023/24 financial year. Local Authorities therefore do not have to amend or revise the Capital and Treasury Strategy for 2022/23. However, CIPFA have stated that Local Authorities should make their best endeavours to adhere to the new provisions and not undertake any new investments which would not be consistent with the changes.
- Although the revised codes will be reflected in future years, there are no changes included within the proposed Capital and Treasury for 2022/23 that conflict with the request to ensure new investments follow the new provisions as highlighted above.
- The proposed Annual Capital and Treasury Strategy for 2022/23 is set out in **Appendix A**.
- The Capital Strategy element of the combined document covers the various elements surrounding capital investment decisions and the key criteria that

investment decisions should be considered against.

- The Treasury Strategy element of the combined document covers the various elements that satisfy the requirements of the various codes that govern the borrowing and investment activities of the Council and has been prepared in the light of advice received from the Council's Treasury advisors and reflects the relevant codes and guidance.
- Prudential and Treasury indicators are included as an Annexe to the combined strategy and are therefore included within **Appendix A**.
- Under the Prudential Code the Council has freedom over capital expenditure as long as it is prudent, affordable and sustainable. The Prudential Indicators either measure the expected activity or introduce limits upon the activity, and reflect the underlying capital appraisal systems and enable the Council to demonstrate that it is complying with the requirements of the Prudential Code.
- The Council's investments will be undertaken in accordance with its Treasury Management Practices. These were expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. If credit ratings remain at their current extremely low levels it is likely that a significant proportion of the Council's investments will continue to be in government securities such as with other Local Authorities. Issues such as the business rates grant process associated with COVID 19, continue to demonstrate the need to maximise flexibility in the range of counterparties the Council uses plus rates paid by the Debt Management Office were again negative during autumn 2021.
- As is always the case, other 'quality' investment opportunities will always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse / aware approach.
- It was initially proposed to seek the Portfolio Holder for Corporate Finance and Governance agreement to the Strategy for submitting to the Resources and Services Overview and Scrutiny Committee as part of the required consultation process. However due to continuing work pressures, including those associated with on-going COVID 19 related activities and the extended Statement of Account process, a revised timescale is proposed.
- It is therefore now proposed to seek Cabinet's initial agreement to the Strategy via this report and then ask the Resources and Overview and Scrutiny Committee to consider it at their meeting on 21 March 2022 instead of 7 February as initially planned.
- Any comments the Resources and Overview and Scrutiny Committee may have can still be submitted directly to the Full Council meeting on 29 March 2022 where they will be asked to consider and approve it.
- The above reflects a pragmatic approach to ensure that the Strategy can be approved ahead of the financial year it relates to. However, it is also recognised that if the comments of the Resources and Overview and Scrutiny Committee require further exploration / investigation, then they can be considered and reported back to Full Council at a later date, where potential in-year revisions to the Strategy could be considered.

RECOMMENDATIONS

That Cabinet agrees:

- a) that the Annual Capital and Treasury Strategy for 2022/23 (including Prudential And Treasury Indicators) attached be submitted to Council for approval, subject to consultation with the Resources and Services Overview and Scrutiny Committee; and
- b) that subject to a) above, a delegation to the Portfolio Holder for Corporate Finance and Governance Portfolio be agreed to explore potential borrowing options associated with the Redevelopment of the Honeycroft site for inclusion within the Annual Capital and Treasury Strategy that is presented to Full Council on 29 March 2022.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of the Capital and Annual Treasury Strategy for 2022/23 will ensure that the Council's Investment and Treasury Management activities are carried out and managed in accordance with best practice, thereby safeguarding money held by the Council and making an appropriate contribution to the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

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

Risk

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

LEGAL

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

At its meeting on 28 January 2022 Cabinet agreed a delegation to the Portfolio Holder for Corporate Finance and Governance to approve the Capital and Treasury Strategy 2022/23 for consultation with the Resources and Services Overview and Scrutiny Committee.

OTHER IMPLICATIONS

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

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

There are no other implications.

PART 3 – SUPPORTING INFORMATION

BACKGROUND AND CURRENT POSITION

The Annual Capital and Treasury Strategy for 2022/23 is set out in **Appendix A** and is based on the Treasury Management Code of Practice and the Prudential Code published by CIPFA in December 2017.

Revisions to both of the above documents were published by CIPFA in December 2021. However as part of their release, CIPFA confirmed that the new codes will have a soft launch of its provisions for the 2022/23 financial year and where possible, local authorities should make their best endeavours to adhere to their provisions and not undertake any new investments which would not be consistent with the changes that will be fully implemented in the 2023/24 financial year. Local Authorities therefore do not have to amend or revise any treasury or capital strategies for 2022/23 to incorporate the additional disclosure requirements for investment categories and new indicators.

Based on the above approach, the Annual Capital and Treasury Strategy for 2022/23 highlights key changes that will be required to comply with the 2021 Treasury Management Code and Prudential Code from 2023/24, and indicates likely changes as a result of a technical accounting change in lease accounting from 1 April 2023.

No significant changes are proposed in the Annual Capital and Treasury Strategy for 2022/23 with limited amendments in areas such as the general economic outlook and interest rate forecasts, apart from the inclusion of HRA borrowing in 2022/23 and 2024/25 to replace maturity loans ending in those two years, as included within the HRA business plan – the changes made to the strategy since last year are shaded in grey and are in italic font.

As highlighted above, in respect of CIPFA's Treasury Management Code of practice, the current / relevant revision to the code was in 2017, which has been incorporated within the Annual Treasury Strategy as necessary. By approving the Annual Treasury Strategy for 2018/19, the Council adopted the latest CIPFA Code of Practice for Treasury Management in the Public Services. (the '2017 code').

The need to borrow money may also arise in future years to reflect the Council's current commitments, corporate priorities and strategies. If the need / option to borrow money was identified, then it would form part of the associated and separate decision making process and would be considered within the overall Treasury Strategy framework.

The Council maintains a very low risk appetite approach to its treasury activities. Given the extremely low interest rate environment, even if the Council were to increase the level of risk it would be willing to accept, the increased returns would only be marginal and therefore would not provide a credible / alternative option at the present time. However, officers will continue to explore opportunities to maximise investment returns, within this overall context in 2022/23.

One of the key elements within the Capital Strategy is to have processes in place to ensure projects are delivered on time and within budget. It is recognised that COVID 19 had a significant and unprecedented impact on the delivery of a number of projects in 2020/21, a position that has continued in 2021/22. However, the Council continues to take steps to support the delivery of schemes and projects, such as the development of a Corporate Investment Plan, which is complemented by an earmarked budget to provide additional capacity. The Capital and Treasury Strategy therefore now includes reference to this plan, which will form an important element of investment decisions going forward.

In terms of sources of funding, the Government introduced a significant new constraint in terms of borrowing from the Public Works Loan Board (PWLB) in 2020/21. If a local authority purchases assets or plans to purchase assets over a future three year period to generate investment income, then they will no longer be able to borrow money from the PWLB. This applies to all such purchases regardless of how they are funded. Although no such purchases are currently planned, this constraint may need to be considered in the future, as the Council could lose access to the referential rates available from the PWLB.

Draft Prudential Indicators are set out in Annex 1 to Part 2 of the Capital and Treasury Strategy. Annex 2 to Part 2 of the Treasury Strategy sets out the specified and Non-Specified investments the Council may use in 2022/23.

As set out in the HRA Budget Report to Cabinet on 28 January 2022, although the redevelopment of the Honeycroft site was agreed by the Leader in 2021, it has not yet been included within the HRA Capital Programme.

Within the report agreed by the Leader referred to above, it was confirmed that a further report would be presented to Cabinet once a tender exercise had been undertaken for the design and build of the scheme. It was also stated that this same report would set out the funding required for the development and seek approval for prudential borrowing within the HRA.

Based on the timescales mentioned above, the potential need to borrow money to fund the redevelopment of Honeycroft has not yet been reflected in the figures set out within the Annual Capital and Treasury Strategy attached.

Although a separate report will be presented to Cabinet as mentioned above, the potential options to borrow money to support the cost of the redevelopment are still being explored. With this in mind, a delegation is included within the recommendations above to enable potential changes to the Annual Capital and Treasury Strategy to be considered before it is reported to Full Council on 29 March 2022. This approach will also potentially enable the decision to borrow money to be made at the same Full Council meeting, albeit within a specific governance framework that could be agreed at the same time.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A - Annual Capital and Treasury Strategy 2022/23

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Tendring
District Council



**ANNUAL CAPITAL AND
TREASURY STRATEGY
2022/23**

PART 1 – CAPITAL STRATEGY 2022/23 to 2024/25

1. Introduction

SECTION A - Achieving Outcomes / Delivering Against Priorities

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

SECTION B - Capital Investment and Sources of Funding

4. Capital Investment Considerations
5. Sources of Funding

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

Part 1 Annex 2 – General Fund and Housing Revenue Account Capital Programmes 2022/22 to 2024/25

PART 2 – TREASURY STRATEGY FOR 2022/23

1. Introduction
2. Treasury Limits for 2022/23 to 2024/25
3. Prudential and Treasury Indicators for 2022/23 to 2024/25
4. Current Portfolio Position
5. Borrowing Requirement
6. Economic Position
7. Interest Rates
8. Borrowing strategy
 - 8.1 External v internal borrowing
 - 8.2 Gross and Net Debt Positions
 - 8.3 Policy on borrowing in advance of need
9. Debt Rescheduling
10. Annual Investment Strategy
 - 10.1 Investment Policy
 - 10.2 Creditworthiness Policy
 - 10.3 Credit Limits
 - 10.4 Country Limits
 - 10.5 Investment Strategy
 - 10.6 Allocation of Investment returns between GF and HRA.
 - 10.7 End of year investment report

Part 2 Annex 1 – Proposed Prudential Indicators 2021/22 revised, 2022/23 and forecasts for 2023/24 to 2024/25

Part 2 Annex 2 – Specified and non-specified investments

PART 1 – CAPITAL STRATEGY

INTRODUCTION

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

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

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

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

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

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

The emerging Corporate Investment Plan along with the Capital Programme forms the basis of the Council's rolling plan of investment in assets. The Capital Programme spans a number of years and contains a mix of individual schemes.

Investment can include expenditure on:

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

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

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

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

SECTION A - ACHIEVING OUTCOMES/DELIVERING AGAINST PRIORITIES

CORPORATE PRIORITIES

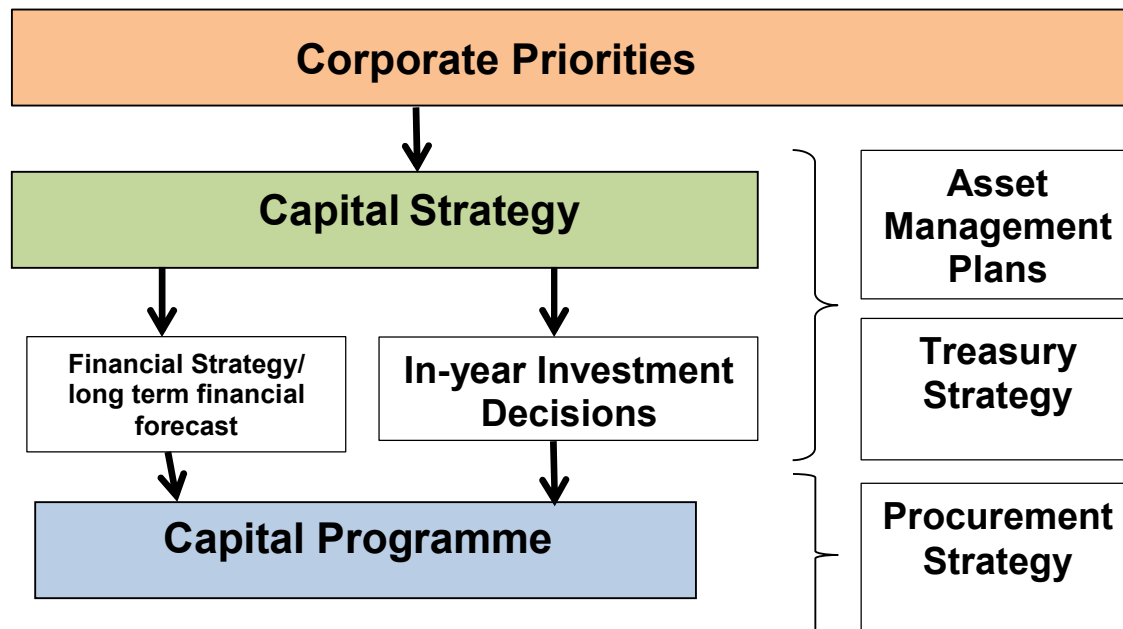
The Capital Strategy is subject to ongoing review and has a key role in supporting the delivery of the Council's Corporate Priorities

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

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

LINKS TO OTHER KEY STRATEGIES

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



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

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

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

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

The emerging Corporate Investment Plan will also form a key element within the framework above as it will form a further link between the Corporate Priorities and the Financial Strategy and complement the development of the long term forecast and prioritised projects that are included within the Capital Programme.

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

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

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

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

development process prior to formal reporting to Members, especially those associated with in-year investment decisions.

Departments support Management Team in the above process through the development and investigation of investments opportunities and submitting reports / project initiation and development documentation in support of the associated capital projects.

Cabinet (including Portfolio Holders acting within approved delegations)

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

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

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

CONSULTATION

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

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

MONITORING OF THE CAPITAL INVESTMENT/CAPITAL PROGRAMME

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

separate Performance Monitoring process that is also reported to Members during the year.

Where capital investment is material, the scheme or project may be subject to review by internal audit which would be at the discretion of the Internal Audit Manager as part of the annual Internal Audit Plan or if required by other key stakeholders.

SECTION B – CAPITAL INVESTMENT AND SOURCES OF FUNDING

CAPITAL INVESTMENT CONSIDERATIONS

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

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

Schemes that are agreed but not funded as part of the long-term financial forecast process will be considered a prioritised list within a wider Corporate Investment Plan approach and be a 'live' schedule of investment opportunities against which further investment opportunities should be considered during the year.

The Council faces ongoing significant financial challenges over the period of this Capital Strategy due to the significant reductions in Government Funding over recent years and the potential longer impact of the COVID 19 pandemic on Council funding. The latest long-term financial forecast for 2022/23 to 2026/27 reflects annual deficits, albeit on a reducing basis over the remaining period of plan, which is supported by the Forecast Risk Fund. To deliver the level of efficiencies and transformation that will in turn support the delivery of the long-term forecast, the following key principles have been identified which should be a key consideration of capital investment decisions:

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

Promote capital investment which allows either invest to save outcomes or generates a revenue and/or capital return and/or generates additional external grant (e.g. new homes bonus) or core funding (e.g. Business
--

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

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

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

As highlighted above, the emerging Corporate Investment Plan will form part of the overall governance framework in terms of linking corporate priorities and strategies to investment priorities. This framework will take into account a number of key priority 'drivers' such as financial viability / sustainability, non-financial consequences such as reputation / health and safety, the outcome from external assessment / regulatory reviews along with being outcome driven.

Impact Assessments

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

SOURCES OF FUNDING

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

In limited cases the cost of capital investment is supported by external grants/contributions. Any other capital investment the Council wishes to make has to be funded from its own resources or by borrowing (the revenue cost being met entirely by the Council). The Council's Financial Strategy/long term financial forecast includes consideration of a ten-year forecast, taking into account the revenue implications of capital investment plans and the resources available to fund capital investment. The level of capital investment will be constrained by the available resources identified via the long-term financial forecast process including revenue contributions or the ability to attract external funding and the generation of capital receipts. Any decision to invest in capital projects will need to match the available resources against criteria set out above, including how it meets corporate priorities *within the wider Corporate Investment Plan Approach*.

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

- a) **Revenue Funding (Including Reserves)** – This continues to be limited each year given the challenging financial environment and on-going government grant reductions. This funding stream will need to be considered within the overall financial planning processes each year, including that for the HRA, which operates under a self-financing environment where changes in Government Policy have limited the revenue contributions available to support capital investment.
- b) **Capital grants/contributions** – These have contributed significantly to past and current capital projects and many aspects of the Council's and its partners' objectives can only be met if this funding source continues to be pursued. The delivery of the Council's priorities and commitments continue to be supported by successful grant applications. Section 106 money flowing from the planning process is also a significant source of external funding.
- c) **General Fund Capital Receipts** – It is acknowledged that the Council's current property/land holdings are not of significant high value or volume. Nevertheless the Council recognises this important funding source and continually reviews its assets as part of separate asset management / investment plans which provide the context to consider opportunities to dispose of any assets that are surplus to requirements and/or not contributing to the delivery of the Council's priorities or where they provide alternative investment opportunities.
- d) **Borrowing within the Prudential Framework (Prudential Borrowing)** – The Council has the freedom to borrow to finance its capital expenditure provided it can demonstrate the prudence of the investment and its

affordability and sustainability. During 2020/21 the rules governing borrowing from the PWLB were amended such that from 25 November 2020 no borrowing from the PWLB is allowed if an authority has purchased assets for yield in its capital programme for the following three years. Neither the General Fund nor the Housing Revenue Account capital programmes for 2022/23 to 2024/25 involve any such schemes. This means the Council is still able to access PWLB funding at preferential rates if it is prudent, affordable and sustainable.

CAPITAL STRATEGY CONCLUSIONS

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

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

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

PART 1 - ANNEX 2**General Fund Capital Programme 2022/23 to 2024/25**

Capital Expenditure - General Fund £000s	2020/21 Actual	2021/22 Revised	2022/23 Estimate	2023/24 Forecast	2024/25 Forecast
Total Capital Expenditure	1,920	15,942	839	827	827
Financing - General Fund					
External contributions	-	(712)	-	-	-
Section 106	(103)	(6)	-	-	-
Coast protection grant	(78)	(360)	-	-	-
Other Government grants	(130)	(152)	-	-	-
Disabled Facilities Grant	(786)	(7,557)	(757)	(757)	(757)
Capital receipts	(10)	(815)	-	-	-
Direct revenue contributions	(24)	(1,989)	(70)	(70)	(70)
Earmarked reserves	(789)	(4,351)	(12)	-	-
Total Capital Financing	(1,920)	(15,942)	(839)	(827)	(827)
Net Financing need (External Borrowing)	0	0	0	0	0

HRA Capital Programme 2022/23 to 2024/25

Housing Revenue Account Capital Schemes £000	2020/21 Actual	2021/22 Revised	2022/23 Estimate	2023/24 Forecast	2024/25 Forecast
Total Capital Expenditure	4,160	5,809	3,790	3,176	3,176
Financing - Housing Revenue Account					
Major repairs reserve	(2,063)	(3,957)	(3,176)	(3,176)	(3,176)
Direct revenue contributions	(1,111)	(1,144)	(614)	-	-
Section 106	(261)	(595)	-	-	-
Capital receipts	(725)	(113)	-	-	-
External contributions	-	-	-	-	-
Total Capital Financing	(4,160)	(5,809)	(3,790)	(3,176)	(3,176)
Net Financing need (External Borrowing)	0	0	0	0	0

PART 2 – TREASURY STRATEGY

1. Introduction

The Local Government Act 2003 (the Act) and supporting regulations require the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. Both CIPFA Codes were revised in December 2017 *and again on 20 December 2021. Due to the timing of the 2021 update, formal adoption is not required until 2023/24. The revised codes will have the following implications:*

- *A requirement to adopt a new debt liability benchmark treasury indicator*
- *They clarify what CIPFA expects a local authority to borrow for and what they do not view as appropriate, however it is important to highlight that none of Tendring's borrowing falls within the inappropriate category*
- *A requirement to address environmental, social and governance (ESG) considerations in the Capital Strategy and in Treasury Management Practice 1 (TMP1)*
- *Implementation of a policy to review commercial property, with a view to divest where appropriate*
- *Create new Investment Practices to manage risks associated with non-treasury investment (for Tendring this is the single Investment Property held) that are similar to the current TMPs*
- *Expansion of the knowledge and skills register for individuals involved in treasury management, proportionate to the size and complexity of the work involved*
- *All investments and investment income to be split between:*
 - *those held for treasury management arising from cash flows*
 - *those held for delivery of services such as housing, regeneration and local infrastructure – Tendring has none in this category at present*
 - *those held for commercial return – i.e. the investment property*

The list above summaries all of the proposed changes but some will apply to only the Capital Strategy, Treasury Strategy or both.

In accordance with the advice of CIPFA, the Council will ensure that future decisions will to adhere to the new provisions and therefore will seek to avoid undertaking any new investments, which would not be consistent with the changes.

Members will be updated on how all these changes will impact our current approach and any changes required will be formally adopted within the 2023/24 Capital and Treasury Management report.

The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by Investment Guidance issued subsequent to the Act) which sets out the

Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

The Council's risk appetite is low and it takes a risk-averse approach to Treasury Management, with the security and liquidity of the investment the prime concern, and the budget for income from investments being formulated on this basis. The Annual Strategy for 2022/23 is based on this risk-averse approach continuing.

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

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

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

2. Treasury Limits for 2022/23 to 2024/25

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

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

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

The authorised limit reflects the additional borrowing requirement as part of the Housing Revenue Account (HRA) self-financing reforms. The Housing self-financing reforms also set an overall 'debt cap' for the HRA which in itself reflects an affordability level based on the Government's model of how much debt can be supported by the HRA after considering the forecast of income from rents and management and maintenance costs over a 30 year period. The HRA

debt cap for Tendring was £60,285,000, but the Government announced the abolition of the HRA debt cap from 29 October 2018. *The updated HRA Business Plan reported to Members in December 2021 and January 2022 as part of the HRA budget set out the proposal to replace maturity debt that reaches maturity in 2022/23 and 2024/25 with repayment type loans. The estimated impact of this is included within the HRA Business Plan and is included within this Treasury Strategy to enable this approach to be progressed as part of the Council's treasury activities during the year. Further reports will be presented to Members if changes to this approach are required during the year such as responding to any new / future burdens or priorities which would have an overall financial impact on the current HRA Business Plan.*

Due to a proposed technical accounting change relating to assets the Council leases in from 1 April 2022, from 2022/23 these assets will be recognised on the Council's balance sheet as right of use assets, matched by a corresponding lease liability. They will count as a type of borrowing and will be written down each year. Work is ongoing to finalise the list of assets that these changes relate to. At the present time they are all expected to be within the General Fund, be relatively short term with a maximum life of five years, so will be written down in line with the actual lease repayment made. This means that the total spend of the Council counted against the General Fund balance will be unchanged, but the spend will move to a different line in the Council's accounts and be split between Minimum Revenue Provision and interest.

The amounts currently identified suggest that at 1 April 2022 the total to bring onto the balance sheet will be some £1.385 million, although this will change as further information is obtained and when the 1 April 2022 PWLB rates are available, as these change on a daily basis. The authorised limit and operational boundary already identified are considered sufficient to cover this increase. The overall Capital Financing Requirement (CFR) of the Council for the General Fund will increase, but the loans CFR, which is referred to in the remainder of this Strategy, will not change.

The above change remains subject to a consultation process and it is possible that the implementation date may be deferred. If it is deferred, the Council will continue to apply the existing rules relating to leased assets, with updates provided as part of the in-year financial performance reports / next year's Annual Capital and Treasury Strategy as appropriate.

3. Prudential and Treasury Indicators for 2022/23 to 2024/25

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

4. Current Portfolio Position

The Council's treasury position at the end of *December 2021* comprised:

- *GF borrowing from The Public Works Loan Board (PWLB) of £0.147 million at fixed rates at an average rate of interest of 7.18%*
- *HRA borrowing from the PWLB of £37.069 million at fixed rates at an average rate of 3.51%*
- *Investments of cash flow surpluses, which include reserves and capital receipts, on a short-term basis (less than 1 year) totalling £79.195 million at an average rate of interest of 0.05%.*

5. Borrowing Requirement

No new, alternative or replacement borrowing is currently reflected in the budget for the General Fund *but HRA replacement borrowing of £0.800 million in 2022/23 and £1.200 million in 2024/25 is reflected in the HRA 30 Year Business Plan for the period 2022/23 to 2024/25 and therefore forms part of the assumptions set out within this Strategy.*

6. Economic Position

The Council's Treasury Advisors provide economic updates during the year with their latest update summarised as follows:

World economy

World growth was in recession in 2020 but recovered during 2021 until starting to lose momentum in the second part of the year, although overall growth in 2021 is expected to be around 6% and around 4-5% in 2022. Inflation has been rising due to increases in gas and electricity prices, shipping costs and supply shortages, although these are expected to subside during 2022. While headline inflation will fall sharply, core inflation will probably not fall as quickly. It is likely we are heading into a period where there will be a reversal of world globalisation and a lessening of dependence by western countries on China to supply products. This is likely to reduce world growth rates from those in prior decades.

UK economy

The Bank of England Monetary Policy Committee (MPC) increased the bank rate from 0.10% to 0.25% on 16 December 2021, due to concerns over inflationary pressures. The Bank increased its forecast for inflation to peak at 6% in April 2022. A considerable part of the inflationary pressures are transitory and will naturally subside, but the financial markets are predicting further increases in the bank rate during 2022. There is pent up demand from the high household saving rates since March 2020, although consumer confidence was hit in December 2021 by fears of rising inflation.

7. Interest Rates

The following table gives the Council's External Treasury Advisor's view on Bank Rate movements and their forecast for the PWLB new borrowing rate based on that view. The PWLB rates are based on the 'Certainty Rate' introduced by the Government for local authorities providing improved information and transparency on their locally-determined long-term borrowing and associated capital spending plans. Investment returns are likely to remain *exceptionally low during 2022/23 but thereafter recover to pre-pandemic levels.*

	Bank Rate	Average earnings rate projected by the Council's External Advisors			PWLB Borrowing Rate			
		3 month	6 month	12 month	5 yr.	10 yr.	25 yr.	50 yr.
Mar 2022	0.25	0.30	0.50	0.70	1.50	1.70	1.90	1.70
Jun 2022	0.50	0.50	0.60	0.70	1.50	1.80	2.00	1.80
Sep 2022	0.50	0.50	0.60	0.70	1.60	1.80	2.10	1.90
Dec 2022	0.50	0.60	0.70	0.80	1.60	1.90	2.10	1.90
Mar 2023	0.75	0.70	0.80	0.90	1.70	1.90	2.20	2.00
Jun 2023	0.75	0.80	0.90	1.00	1.80	2.00	2.20	2.00
Sep 2023	0.75	0.90	1.00	1.10	1.80	2.00	2.20	2.00
Dec 2023	0.75	0.90	1.00	1.10	1.80	2.00	2.30	2.10
Mar 2024	1.00	1.00	1.10	1.20	1.90	2.10	2.30	2.10
Jun 2024	1.00	1.00	1.10	1.20	1.90	2.10	2.40	2.20
Sep 2024	1.00	1.00	1.10	1.20	1.90	2.10	2.40	2.20
Dec 2024	1.00	1.00	1.10	1.20	2.00	2.20	2.50	2.30
Mar 2025	1.25	1.00	1.10	1.20	2.00	2.30	2.50	2.30

8. Borrowing Strategy

8.1 External v Internal Borrowing

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

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

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

Total External Debt

	Actual 2020/21	Revised 2021/22	Estimate 2022/23	Forecast 2023/24	Forecast 2024/25
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	40,313	38,593	36,921	35,485	34,036
Estimated repayment of debt	(1,720)	(1,672)	(2,236)	(1,449)	(2,670)
<i>Estimated Replacem ent / new debt</i>	0	0	800	0	1,200
Estimated debt as at 31 March	38,593	36,921	35,485	34,036	32,566
CFR as at 31 March	43,672	41,799	40,169	38,535	36,888
Difference - internally financed	5,079	4,878	4,684	4,499	4,322

General Fund External Debt

	Actual 2020/21	Revised 2021/22	Estimate 2022/23	Forecast 2023/24	Forecast 2024/25
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	207	151	143	136	128
Estimated repayment of debt	(56)	(8)	(7)	(8)	(8)
<i>Estimated Replacem ent / new debt</i>	0	0	0	0	0
Estimated debt as at 31 March	151	143	136	128	120
CFR as at 31 March	5,230	5,021	4,820	4,627	4,442
Forecast of internal financing	5,079	4,878	4,684	4,499	4,322

HRA External Debt

	Actual 2020/21	Revised 2021/22	Estimate 2022/23	Forecast 2023/24	Forecast 2024/25
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	40,106	38,442	36,778	35,349	33,908
Estimated repayment of debt	(1,664)	(1,664)	(2,229)	(1,441)	(2,662)
<i>Estimated Replacem ent / new debt</i>	<i>0</i>	<i>0</i>	<i>800</i>	<i>0</i>	<i>1,200</i>
Estimated debt as at 31 March	38,442	36,778	35,349	33,908	32,446
CFR as at 31 March	38,442	36,778	35,349	33,908	32,446
Forecast of internal financing	0	0	0	0	0

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

The Council's officers have made an assessment, based on advice from treasury advisors, of the amount of internal resources that it is prudent to use to finance capital expenditure and it is felt, taking into account the Council's financial position, that approximately £4m-£5m would at the present time and over the medium term be an appropriate level of internal borrowing. A maturity loan of £1m fell due for repayment in 2014 but this was not replaced which has led to the 2020/21 internal borrowing position running just ahead of the £5m level. However given the continuing very low return on investments and no significant increases in PWLB interest rates in the immediate future, it is felt prudent to maintain this position in the short term although this will be kept under review in consultation with the Council's external advisors.

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

advance of need, as set out in section 8.3 below, so as to reduce the need to borrow when interest rates may be higher.

8.2 Gross Debt v Investments

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

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

Comparison of gross and net debt positions at year end	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Probable out-turn	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
General Fund external debt (gross)	151	143	136	128	120
HRA external debt (gross)	38,442	36,778	35,349	33,908	32,446
Investments	76,959	61,000	15,000	15,000	15,000
Net debt	(38,366)	(24,079)	20,485	19,036	17,566

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

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

Against this background caution will be maintained within the 2022/23 treasury operations. Interest rates will be monitored and a pragmatic approach adopted to changing circumstances with appropriate action taken in accordance with the Council's Financial Procedure Rules.

8.3 Policy on borrowing in advance of need

The Council cannot borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to

borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

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

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

9. Debt Rescheduling

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

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

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

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

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

10. Investment Strategy

10.1 Investment Policy

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

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

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

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

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

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

The property will be subject to annual revaluation to reflect current value under the requirements of the Accounting Code of Practice and this will be reported in the Statement of Accounts. *At 31 March 2021 the carrying value of the property was reduced by the Council's external Valuer to £1.985 million and at 30 September 2021 the carrying value was further reduced to £1.018 million.* The anticipated return on the property through rental income compared to the historic cost is forecast to remain in line with the figures included in the report to Cabinet where the decision to purchase was made. *Regardless of whether or not the property being used for trading,* the terms of the lease require payment of the rent until the end of the lease term.

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

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

During 2020/21 the Council opened accounts with two Money Market Funds, as the Debt Management Office interest rates became negative on occasions in late 2020 and additional liquidity flexibility was required beyond that of the call accounts. Both Money Market Funds are triple A rated and *the interest paid has slowly risen from 0.01% to 0.03% since December 2021.*

10.2 Creditworthiness Policy and changes to the credit rating methodology

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

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

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

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

1. The Creditworthiness Service utilises movements in Credit Default Swaps against the iTraxx benchmark and other market data on a weekly basis. This creditworthiness service information will be used to confirm the assessed creditworthiness derived from the three ratings agencies. Where the information from this service indicates a lower standing for a particular counterparty than that derived via the credit ratings then the

investment limits and length of investments applicable to that counterparty will be adjusted accordingly or the counterparty removed from the list.

2. Market data and information,
3. Information on government support for banks and the credit ratings of that government support

10.3 Credit Limits

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

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

10.4 Country Limits

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

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

10.5 Investment Strategy

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

The bank rate increased from 0.10% to 0.25% in December 2021 and increases in the rate are forecast of 0.25% each year from 2022 to 2024 (see Section 7). The Council will avoid locking into longer term deals while investment rates are down at historically low levels unless exceptionally attractive rates are available

which make longer term deals worthwhile without compromising the Council's priority of security of the investments.

For 2022/23 the Council has budgeted for investment returns based on the principles set out in this strategy including the forecast position on interest rates.

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

10.6 Allocation of Investment returns between GF and HRA

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

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

- Equity
- Risk Sharing
- Minimising volatility between years

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

10.7 End of year investment report

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

GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Non-specified investment – as defined in Annex 2.

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

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

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

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

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

Specified investments – as defined in Annex 2.

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Proposed Prudential Indicators 2021/22 revised, 2022/23 and forecasts for 2023/24 to 2024/25

Indicators for Prudence

CAPITAL EXPENDITURE

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

Capital Expenditure - General Fund	2020/21	2021/22	2022/23	2023/24	2024/25
£000s	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	1,920	15,942	839	827	827
Financing - General Fund					
External contributions	-	(712)	-	-	-
Section 106	(103)	(6)	-	-	-
Coast protection grant	(78)	(360)	-	-	-
Other Government grants	(130)	(152)	-	-	-
Disabled Facilities Grant	(786)	(7,557)	(757)	(757)	(757)
Capital receipts	(10)	(815)	-	-	-
Direct revenue contributions	(24)	(1,989)	(70)	(70)	(70)
Earmarked reserves	(789)	(4,351)	(12)	-	-
Total Capital Financing	(1,920)	(15,942)	(839)	(827)	(827)
Net Financing need (External Borrowing)	0	0	0	0	0

Housing Revenue Account Capital Schemes	2020/21	2021/22	2022/23	2023/24	2024/25
£000	Actual	Revised	Estimate	Forecast	Forecast
Total Capital Expenditure	4,160	5,809	3,790	3,176	3,176
Financing - Housing Revenue Account					
Major repairs reserve	(2,063)	(3,957)	(3,176)	(3,176)	(3,176)
Direct revenue contributions	(1,111)	(1,144)	(614)	-	-
Section 106	(261)	(595)	-	-	-
Capital receipts	(725)	(113)	-	-	-
External contributions	-	-	-	-	-
Government grant	-	-	-	-	-
Total Capital Financing	(4,160)	(5,809)	(3,790)	(3,176)	(3,176)
Net Financing need (External Borrowing)	0	0	0	0	0

CAPITAL FINANCING REQUIREMENT

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

CAPITAL FINANCING REQUIREMENT	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
General Fund	5,230	5,021	4,820	4,627	4,442
Housing Revenue Account	38,442	36,778	35,349	33,908	32,446
Total	43,672	41,799	40,169	38,535	36,888

GROSS DEBT AND THE CAPITAL FINANCING REQUIREMENT

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

PRUDENTIAL INDICATOR	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Capital Financing Requirement	43,672	41,799	40,169	38,535	36,888
External debt	38,889	36,921	35,485	34,036	32,566
Internal borrowing	4,783	4,878	4,684	4,499	4,322

OPERATIONAL BOUNDARY AND AUTHORISED LIMIT

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

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

PRUDENTIAL INDICATOR	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Operational boundary - borrowing	67,525	67,180	67,723	66,916	68,108
Authorised limit - borrowing	76,156	75,820	76,333	75,687	77,046

Indicators for Affordability

RATIO OF FINANCING COSTS TO NET REVENUE STREAM

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

ESTIMATE OF THE RATIO OF FINANCING COSTS TO NET REVENUE	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	-0.45	1.07	0.97	0.90	0.84
Housing Revenue Account	54.38	43.10	40.13	39.37	38.27

INTEREST RATE EXPOSURE

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

PRUDENTIAL INDICATOR	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Upper limit for Fixed Interest Rates on debt	43,672	41,799	40,169	38,535	36,888
Upper limit for Variable Interest Rates on debt (based on 30% of the fixed rate limit)	13,102	12,540	12,051	11,561	11,066

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

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

PRUDENTIAL INDICATOR	2020/21	2021/22	2022/23	2023/24	2024/25
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Limits on the total principal sum invested to final maturities longer than 364 days	3,500	3,500	3,500	3,500	3,500

MATURITY STRUCTURE OF FIXED RATE BORROWING

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

PRUDENTIAL INDICATOR	Upper limit	Lower limit	Estimated outstanding debt maturity % at			
	%	%	31/03/2022	31/03/2023	31/03/2024	31/03/2025
Under 12 months	25	0	5.47%	3.75%	7.18%	7.26%
12 months and within 24 months	30	0	3.55%	6.91%	6.74%	7.35%
24 months and within 5 years	60	0	18.87%	16.21%	13.39%	10.62%
5 years and within 10 years	75	0	14.94%	14.82%	14.36%	14.36%
10 years and above	95	25				
10-20 years			16.34%	15.45%	14.15%	13.20%
20-30 years			20.35%	26.67%	33.01%	41.23%
>30 years			20.49%	16.19%	11.16%	5.98%

TREASURY INDICATOR - EXPOSURE TO CREDIT RISK

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

TREASURY INDICATOR	2020/21 Actual	2021/22 to 31/12	2022/23 Upper limit
Average credit score for investments	1.01	1.17	2.00

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SPECIFIED AND NON-SPECIFIED INVESTMENTS

This schedule sets out the specified and Non-Specified investments the Council may use in 2022/23.

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

SPECIFIED INVESTMENTS:

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

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

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

High credit quality

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

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

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

NON SPECIFIED INVESTMENTS

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

The only Non-Specified investments that the Council will use in 2022/23 are investments for periods of longer than 12 months with any institution or investment instrument that would have been classed as a Specified Investment if the investment had been for less than 12 months or property. The Council currently holds an investment property in Clacton. The historic cost of this property (including stamp duty) is £3.245 million, but *this was revalued at 31 March 2021 at £1.985 million by the Council's external valuer and has now been revalued at 30 September 2021 at £1.018 million.* The purchase of the property was financed from revenue resources.

CABINET

25 FEBRUARY 2022

REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

A.6 ADOPTION OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY

(Report prepared by Michael Cook)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To request that Cabinet considers the amended and updated draft Gambling Policy agreed by the Licensing and Registration Committee on 17 January 2022 and to recommend the Policy to the Full Council for adoption at its meeting due to be held on 29 March 2022.

EXECUTIVE SUMMARY

- The Council is required to review and renew its Statement of Gambling Policy (also known as a Statement of Licensing Principles) every three years in accordance with the Gambling Act 2005.
- The review and renewal of the policy has been subject to a public consultation and a final draft of the Policy was considered and agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022.
- The Policy must be adopted by Full Council on recommendation from the Licensing and Registration Committee and Cabinet and published on the Council's web site and by way of a public notice in the newspaper.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) approves the final draft Statement of Gambling Policy, as set out in Appendix A for recommendation onto Full Council for its formal adoption and publication; and**
- b) agrees that any further amendments to the Gambling Policy that are minor or administrative only in nature can be delegated to the relevant Assistant Director, in consultation with the Chairman of the Licensing and Registration Committee and Portfolio Holder for Partnerships, without the need for further public consultation or adoption.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Our Prosperity

- Build a thriving local tourism industry
- Promote sustainable economic growth

Our People

- Remain a low crime area and reduce the fear of crime

Our Place

- Regenerate the District and improve deprived areas

The Betting, Gaming and Amusements industries in our District provide significant direct and indirect employment, skills and training for local people and particularly in our family orientated seaside resort areas of Clacton, Dovercourt, St Osyth, Brightlingsea and Walton-on-the-Naze, they also provide traditional indoor leisure attractions and facilities for many visitors to our District. It is important to ensure these are effectively regulated so as to provide for a sustainable industry.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The cost of administration in terms of production, consultation and publication of the Council's Statement of Gambling Policy is met within current service budget and gambling licence and permit fee income.

Risk

The Council's reviewed and revised Gambling Policy must be adopted, published and in place. Failure to do so could mean that the Council is not able to accept or process any applications for gambling premises or gaming permits submitted until a new policy is in place.

LEGAL

The Council is required to review its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005 and to widely consult on that review with responsible authorities and other interested parties. The Council has to have a Gambling Policy agreed, published and in place at all times.

Schedule 3 of the Local Authorities (Functions And Responsibilities) (England) Regulations 2000 (as amended) describes the functions of formulating or preparing a plan or strategy as referred to within Regulation 4(1) that are not to be the sole responsibility of an Authority's Executive. This includes a Licensing Authority Policy Statement under section 349 of the 2005 Act. Consequently, any recommendation onto Full Council should be endorsed and approved by the Cabinet.

OTHER IMPLICATIONS

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

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

'Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime' is one of the three licensing objectives of the Gambling Act 2005. The Council's Statement of Gambling Policy has been prepared in order to pro-actively support and promote the prevention of crime and disorder in the betting and gaming industry in our District.

EQUALITY AND DIVERSITY

The policy agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022 has been subject to open public consultation and scrutiny with the Councils Corporate Enforcement Group, a diverse body of community and faith groups as well as individual businesses, schools and voluntary groups, the Safeguarding Children's service, Essex Police, the Gambling Commission and bodies representing the gambling industry itself. It was also available to comment on through the Council's web site and the policy itself has been drafted to ensure that all applicants and licence and permit holders under the Gambling Act 2005 in our District will be treated equally and in a transparent and fair way.

AREA/WARDS AFFECTED

All

CONSULTATION

The revised draft policy agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022 was open to public consultation and scrutiny. The consultation encompassed and engaged a large and diverse range of consultees such as the Councils Corporate Enforcement Group, faith groups, local schools, Essex Police, the Gambling Commission, Essex Children's Safeguarding service, voluntary groups, premises licence holders, business representatives, betting and gaming representatives and organisations that work with gambling addictions like Gamblers Anonymous and GamCare to seek a wide variety of comment and views on the revised policy.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In summary, Section 349 of the Gambling Act 2005 prescribes that a licensing authority (the Council) shall prepare a statement of principles (gambling policy) every three years, publish this and review and republish it as necessary from time to time.

The Council must also statutorily consult with the Chief Officer of Police along with one or more persons representing the interests of gambling businesses in its area and one or more persons who represent those likely to be affected by the exercise of the authority's functions.

The Act places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities.

The policy must be based on the three licensing objectives, which are;

- **Preventing gambling from being a source of crime and disorder, being**

associated with crime or disorder, or being used to support crime;

- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable people from being harmed or exploited by gaming**

The framework of this policy was originally initiated and designed by the Essex Licensing Officers Forum so that applicants and existing businesses in the betting and gaming industry that have outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex.

It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who have applications to make for licensed outlets across Essex such as chain of betting shops for example.

This approach has also enabled the development of a robust and practical policy through partnership working in respect of how the Gambling Act 2005 will be administered and how compliance is managed for applicants and licence and permit holders alike.

Since 2006 the policy framework has then been augmented by local requirements and local strategies to reflect this Council's own area as influenced by public consultation and Tendring District Council's Licensing and Registration Committee Members.

CURRENT POSITION

The final version of the reviewed Gambling Policy which has been subject to a wide reaching public consultation was scrutinised and agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022. This meeting recommended the policy for consideration by Cabinet and adoption by the Full Council.

The Licensing and Registration Committee resolved that it:-

- a) notes the outcome of the public consultation;*
- b) agrees the final draft Statement of Gambling Policy set out in Appendix A to this report incorporating minor amendments thought necessary after consideration of the consultation responses received; and*
- c) agrees that the final draft Statement of Gambling Policy be considered at the next available Cabinet meeting for recommendation onto Full Council for adoption.*

The final draft policy must be recommended to Full Council for adoption and published as a public document via the Council's website and by way of a public notice in the local newspaper.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX A - **Final revised draft of Statement of Gambling Policy**

A.6 APPENDIX

Tendring District Council



GAMBLING ACT 2005

LICENSING POLICY STATEMENT

2022–2025

Adopted XXXXX

Tendring District Council: www.tendringdc.gov.uk

FOREWORD

Welcome to the latest review of the Council's Licensing Policy for Gambling. The policy sets out how the Council will regulate gambling activities within the District.

Whilst for the majority of the general public gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their finances, health, wellbeing and relationships.

The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises.

We hope that the new revised policy is clear and easily understood and will be of significant use to the Council, its partners and operators when considering gambling matters.

*Councillor Colin Winfield
Chairman, Licensing and Registration Committee*

**TENDRING DISTRICT COUNCIL
GAMBLING LICENSING POLICY STATEMENT**

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PART A

1.0 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles that Tendring District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an “Interested Party”;
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.0 **DESCRIPTION OF THE DISTRICT**

3.1 The Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.



The District forms a rural peninsular bounded by the Stour estuary to the North, the Colne estuary to the South and the North Sea to the East. As at 2016 the population stood at an estimated 143,400 who live in well-established towns, the largest of which is Clacton on Sea. However, many residents occupy the rural hinterland in the District's many thriving villages and hamlets.

Tendring is well known for having one of the longest coastlines and the sunniest, driest weather of any District in the country. Tourism thrives in the District with many former visitors choosing to settle here and with tourism being a main source of income for the District.

The District benefits from a good rail and road infrastructure and is within easy reach of London Stansted Airport. The District boasts no fewer than fourteen railway stations, with London Liverpool Street being just one hour away from the mainline station at Manningtree. There are also excellent links to the continent via Harwich International Port and further port expansion in the Bathside area of Harwich has been approved which will lead to increased employment opportunities for the District.

4.0 **RESPONSIBILITIES UNDER THE ACT**

4.1 When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together in a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of regulating gambling as a result of which it created many local regulators, whose job it is to manage gambling locally, and in line with local circumstances. Those local regulators are the 368 licensing authorities of England, Wales and Scotland and in doing this the Act established a strong element of local decision-making and accountability in gambling regulation.

- 4.2** The Act gives local regulators discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation within limits set by The Department for Digital Culture Media and Sport (DCMS) in England and Wales¹. It also sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.
- 4.3** The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance, to which licensing authorities must have regard, is an important part of those arrangements
- 4.4** The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - provide betting or act as intermediaries for betting;

 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.5** The Licensing Authority is responsible for licensing premises in which gambling takes place and covers. All types of gambling, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.6** The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant Code of Practice under Section 24 of the Act;
 - in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - reasonably consistent with the Licensing Objectives (subject to the above paragraphs, and
 - in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Policy'. This Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

5.3 *This Policy takes effect on XXX 2022 and replaces the Policy previously in force.*

6.0 CONSULTATION

6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex 'A'.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations, including faith groups and voluntary organisations working with people who *have gambling addictions*, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 *The Licensing Authority's consultation took place between 19 October 2021 and 15 November 2021.*

7.0 APPROVAL OF POLICY

7.1 *This Policy was approved at a meeting of the full Council on [TBC] and was published via its website on XXX 2022. Copies are available on request.*

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8.0 DECLARATION

- 8.1** In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.
- 8.2** The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.
- 8.3** Appendices have been attached to this Statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

9.0 RESPONSIBLE AUTHORITIES

- 9.1** A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'B'. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2** The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
 - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.
- 9.3** In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.

10.0 INTERESTED PARTIES

- 10.1** Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities,*
- c) represents persons who satisfy paragraphs (a) or (b).'*

- 10.2** Interested Parties can be persons who are democratically elected, such as District and Parish Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties.
- 10.3** District Councillors who are members of the *Licensing and Regulations Committee* will not qualify to act in this way.
- 10.4** Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.
- 10.5** The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.
- 10.6** In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the person making the representation;
 - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
 - The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
 - The catchment area of the premises (i.e. how far people travel to visit); and
 - Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious.
- It raises issues that relate to Guidance issued by the Gambling Commission.
- It raises issues that relate to this policy.
- It relates to the Licensing Objectives.

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 *and the General Data Protection Regulations 2016* will not be contravened;
- the guidance issued by the Gambling Commission;
- *Relevant Legislation and Regulations*

- 11.2** In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:
- A constable or police force
 - An enforcement officer
 - A licensing authority
 - Her Majesty's Revenue and Customs
 - The Gambling Appeal Tribunal
 - *The Secretary of State*
 - Scottish ministers
 - Any other person or body designated by the Secretary of State in accordance with the Act
- 11.3** The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.
- 12.0** **PUBLIC REGISTER**
- 12.1** The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.
- 13.0** **COMPLIANCE AND ENFORCEMENT**
- 13.1** In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:
- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
 - Consistent – Rules and standards must be joined up and implemented fairly.
 - Transparent – Enforcement should be open and regulations kept simple and user friendly.
 - Targeted – Enforcement should be focused on the problems and minimise side effects.
- 13.2** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act, will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It is also worth noting that concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4** The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

- 13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6** As part of its ongoing inspection regime, The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. The Licensing Authority expects to be advised of results where operators carry out their own test purchasing. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
 - Ladbrokes – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

PART B PREMISES LICENCES

14.0 **DELEGATION OF POWERS**

14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex 'E'.

15.0 **GENERAL PRINCIPLES**

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult Gaming Centre premises (for category B3, B4, C and D machines)
- Family entertainment centre premises (for category C and D machines) (it is worthy of note that separate to this category, the Licensing Authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

15.3 Each case will be decided on its individual merits, and will depend upon the type of gambling that is proposed. Also taken into account will be how the applicant proposes that the Licensing Objective concerns can be overcome.

15.4 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant guidance issued by the Gambling Commission under Section 25;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Licensing Authority's Statement of Licensing..

15.5 **Definition of Premises**

In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard to the gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licenced or unlicensed).

15.6 **Demand**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

15.7 **Location**

Location will only be a material consideration in the context of the Licensing Objectives.

- 15.8** The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. *The Licensing Authority expects the licence holder to carry out a risk assessment that should be reviewed if there is a significant change in local circumstances.* The Licensing Authority will pay particular attention to the objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 15.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 06 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under Section 10; that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licences must take into account relevant matters identified in this policy.
- 15.10** The LCCP also states that licences must review and update (as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - c) when applying for a variation of a premises licence
 - d) in any case, undertake a local risk assessment when applying for a new premises licence
- 15.11** The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in area subject to high levels of crime and disorder
 - the ethnic profile of residents in the area and how game rules, self-exclusion material are communicated to these groups
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- 15.12** In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected
- 15.13** Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of the premises affects this
 - Details as to the location and coverage of working CCTV cameras and how the system will be monitored
 - The layout of the premises so that staff have an unobstructed view of persons using the premises
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises an observing those persons using the premises
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines

- The provision of signage and documents relating to games rules, gambling care providers and other relevant information being provided in both English and the other prominent first language for that locality.

The Licensing Authority expects all licensed premises to make their local area risk assessment available on site for inspection on the request of an authorised officer.

15.14 Such information may be used to inform the decision the council makes about whether to grant a licence with special conditions or to refuse an application.

15.15 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.16 Licensing Objectives

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

15.17 Conditions

The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications, the Licensing Authority will particularly take into account the following, if deemed appropriate:-

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

15.18 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.19 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

15.20 Door Supervisors

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

16.0 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

17.0 Betting Machines [See Annex C for definition]

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

17.1 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

17.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

18.0 PROVISIONAL STATEMENTS

18.1 *It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provision Statement. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as Planning Consent'.*

19.0 REPRESENTATIONS AND REVIEWS

19.1 Representations and Applications for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

19.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.

19.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

19.4 There is no appeal against the Authority's determination of the relevance of an application for review.

20.0 ADULT GAMING CENTRES *[See Annex C for definition]*

20.1 *An Adult Gaming Centre is defined in Annex 'C'. Entry to these premises is age restricted.*

20.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES *[See Annex C for definition]*

21.1 *A Licensed Family Entertainment Centre is defined in Annex 'C'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.*

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

22.0 CASINOS *[See Annex C for definition]*

22.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

22.2 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

23.0 BINGO PREMISES *[See Annex C for definition]*

23.1 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.0 BETTING PREMISES *[See Annex C for definition]*

24.1 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.2 B2 & B3 Machines

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact of *B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines* may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels; in order to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players (particularly in relation to players who are deemed to be vulnerable and to prevent those under 18 years of age accessing betting facilities).

243 The Licensing Authority expects *B2 & B3 machines* to be positioned in such a way that they can be appropriately monitored by staff, particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required.

25.0 **TRACKS** *[See Annex C for definition]*

25.1 Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

26.0 **TRAVELLING FAIRS**

26.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

PART C
PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

27.0 GENERAL

27.1 *The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine Permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.*

28.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE
GAMING MACHINE PERMITS

28.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

28.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover, together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

28.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic **DBS** Criminal Records **Check** for the applicant and the person having the day-to-day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - ❑ unsupervised, very young children being on the premises,
 - ❑ children causing perceived problems on/around the premises, and
 - ❑ suspected truant children
 - ❑ **safeguarding training**
 - ❑ **proof of age scheme**

29.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

29.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

29.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

29.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

29.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as Gamcare.
- *Relevant codes of practice issued by the Gambling Commission*

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

30.0 PRIZE GAMING PERMITS

30.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic *DBS* Criminal Records check for the applicant and the person having the day-to-day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - ❑ unsupervised, very young children being on the premises,
 - ❑ children causing perceived problems on/around the premises, and
 - ❑ suspected truant children
 - ❑ *safeguarding training*
 - ❑ *proof of age scheme*

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

31.0 CLUB GAMING AND CLUB MACHINE PERMITS

31.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

31.2 *Commercial clubs may apply for a club machine permit, subject to restrictions.*

31.3 *The gambling provided under the authority of a club gaming permit must also meet the following conditions:*

- a. *in respect of gaming machines*
 - *no child or young person may use a category B or C machine on the premises*
 - *that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines*

b. the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

31.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

32.0 TEMPORARY USE NOTICES (TUN) [See Annex C for definition]

32.1 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

32.2 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

32.3 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

32.4 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

33.0 OCCASIONAL USE NOTICES [See Annex C for definition]

33.1 Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

33.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

33.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

33.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

33.5 The person designated to receive the OUN's and to assess its validity is the *Head of Customer and Commercial Services*. (A copy to be served on local Chief of Police).

34.0 SMALL SOCIETY LOTTERIES [See Annex C for definition]

34.1 A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website.

The Act defines 4 categories of lottery that are exempt from needing an operating licence:-

- *Incidental non-commercial lottery*
- *Private lottery*
- *Customer lottery*
- *Small society lottery*

34.2 *External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website.*

35.0 **FEES**

Non-statutory fees are reviewed by the Licensing authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of the current fees can be obtained by viewing the Council's website. www.tendringdc.gov.uk

36.0 **USEFUL CONTACTS**

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk Some of these organisations provide codes of practice on their particular interest area.

ANNEX 'A'

LIST OF CONSULTEES

All Responsible Authorities for the Gambling Act as specified in Annex 'B'

British Amusement Catering Trade Association (BACTA)

Churches Together

Citizens Advice Bureau

Corporate Enforcement Group

Gamblers Anonymous

Gamcare

Holders of Premises Licences and Permits under the Gambling Act 2005

Independent Advisory Group

Licensing and Registration Committee

Members of the District Council

MP's of the District

North East Essex Primary Care Trust

Public Health

Salvation Army

Samaritans

Tendring and Colchester Minority Ethnic Partnership

Tendring Community Voluntary Services

Town and Parish Councils

ANNEX 'B'

RESPONSIBLE AUTHORITIES

ORGANISATION	CONTACT AND ADDRESS
<i>Tendring District Council [Licensing Section]</i>	<i>The Licensing Team Town Hall Station Road Clacton on Sea Essex CO15 1SE Email: licensingsection@tendringdc.gov.uk</i>
<i>Essex Police</i>	<i>The Licensing Department [Alcohol] Essex Police Braintree CM7 3DJ Email: licensing.applications@essex.pnn.police.uk</i>
<i>Essex County Fire and Rescue Service</i>	<i>Community Commander Colchester & Tendring Community Command Block C Park Road Colchester Essex CO3 3UL Email: colchesterspd@essex-fire.gov.uk</i>
<i>Essex County Council Children's Safeguarding Service</i>	<i>Head of Children's Safeguarding Service [Licensing Applications] Essex County Council DG06, D Block Schools Children's and Families Service PO Box 11 County Hall Chelmsford CM1 1LX Email: licenceapplications@essexcc.gov.uk</i>
<i>Trading Standards [Essex]</i>	<i>Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS Email: tsinformationandbusinesssupportteam@essex.gov.uk</i>
<i>Tendring District Council - [Planning]</i>	<i>Planning Support Team Leader Planning Services Town Hall Station Road Clacton on Sea Essex CO15 1SE Email: planning.services@tendringdc.gov.uk</i>

<i>Tendring District Council – [Environmental Health]</i>	<i>Environmental Health 88-90 Pier Avenue Clacton on Sea Essex CO15 1TN Email: environmental.services@tendringdc.gov.uk</i>
<i>The Gambling Commission</i>	<i>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Email: info@gamblingcommission.gov.uk</i>
<i>HM Revenue & Customs</i>	<i>Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbermaud Glasgow G70 5WY Email: nrubetting&gaming@hmrc.gsi.gov.uk</i>

In relation to vessels only, the Navigation Authority having functions in relation to any place where the vessel is or likely to be while activities are carried on in reliance on a premises licence. For this purpose, correspondence should be sent to:

Surveyor-in-Charge
Maritime & Coast Guard Agency
Marine Office
Central Court
1B Knoll Rise
Orpington
BR6 0JA Telephone: 01689 890400

Any further enquiries or assistance can be obtained from the Licensing Authority on the contact details given above. Addresses were correct at the time of publishing but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing.

ANNEX 'C'

DEFINITIONS

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
<i>Club Gaming</i>	<i>Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).</i>
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
<i>Code of Practice</i>	<i>Any relevant code of practice under Section 24 of the Act</i>
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> Conditions provided by Licensing Authority <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> ❑ Small Society Lottery [required to register with Licensing Authorities. ❑ Incidental Non Commercial Lotteries. ❑ Private Lotteries. ❑ Customer Lotteries. 																																										
External Lottery Manager	<p>An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.</p>																																										
Gaming	<p>Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.</p>																																										
<p><i>Gaming Machine</i></p>	<p><i>Machine covering all types of gambling activity, including betting on virtual events.</i></p> <p><u><i>Categories</i></u></p> <table border="1" data-bbox="632 999 1442 2065"> <thead> <tr> <th><i>Category</i></th> <th><i>Maximum Stake</i></th> <th><i>Maximum Prize</i></th> </tr> </thead> <tbody> <tr> <td><i>A</i></td> <td><i>Unlimited</i></td> <td><i>Unlimited</i></td> </tr> <tr> <td><i>B1</i></td> <td><i>£5</i></td> <td><i>£10,000*</i></td> </tr> <tr> <td><i>B2</i></td> <td><i>£2</i></td> <td><i>£500</i></td> </tr> <tr> <td><i>B3A</i></td> <td><i>£2</i></td> <td><i>£500</i></td> </tr> <tr> <td><i>B3</i></td> <td><i>£2</i></td> <td><i>£500</i></td> </tr> <tr> <td><i>B4</i></td> <td><i>£2</i></td> <td><i>£400</i></td> </tr> <tr> <td><i>C</i></td> <td><i>£1</i></td> <td><i>£100</i></td> </tr> <tr> <td><i>D</i></td> <td><i>30p</i></td> <td><i>£8</i></td> </tr> <tr> <td><i>Non Money Prizes</i></td> <td></td> <td></td> </tr> <tr> <td><i>D Prize (Crane/Grab machine only)</i></td> <td><i>£1</i></td> <td><i>£50</i></td> </tr> <tr> <td><i>D Money Prize</i></td> <td><i>10p</i></td> <td><i>£5</i></td> </tr> <tr> <td><i>D Combined Money and Non Money Prize</i></td> <td><i>10p</i></td> <td><i>£8 (of which no more than £5 may be money prize)</i></td> </tr> <tr> <td><i>D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)</i></td> <td><i>20p</i></td> <td><i>£20 (of which no more than £10 may be money prize)</i></td> </tr> </tbody> </table> <p><i>*With option of maximum £20,000 linked progressive Jackpot</i></p>	<i>Category</i>	<i>Maximum Stake</i>	<i>Maximum Prize</i>	<i>A</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>B1</i>	<i>£5</i>	<i>£10,000*</i>	<i>B2</i>	<i>£2</i>	<i>£500</i>	<i>B3A</i>	<i>£2</i>	<i>£500</i>	<i>B3</i>	<i>£2</i>	<i>£500</i>	<i>B4</i>	<i>£2</i>	<i>£400</i>	<i>C</i>	<i>£1</i>	<i>£100</i>	<i>D</i>	<i>30p</i>	<i>£8</i>	<i>Non Money Prizes</i>			<i>D Prize (Crane/Grab machine only)</i>	<i>£1</i>	<i>£50</i>	<i>D Money Prize</i>	<i>10p</i>	<i>£5</i>	<i>D Combined Money and Non Money Prize</i>	<i>10p</i>	<i>£8 (of which no more than £5 may be money prize)</i>	<i>D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)</i>	<i>20p</i>	<i>£20 (of which no more than £10 may be money prize)</i>
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	<i>on premises basis only</i>
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission.
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <input type="checkbox"/> Lives sufficiently close to the premises to be likely affected by the authorised activities. <input type="checkbox"/> Has business interests that might be affected by the authorised activities. <input type="checkbox"/> Represents persons in either of the above groups.
<i>Licensed Family Entertainment Centre</i>	<i>Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.</i>
<i>Licensed Lottery</i>	<i>A large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.</i>
<i>Licensing Authority</i>	<i>Tending District Council acting under Section 2 of the Act.</i>
Licensing Objectives	1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <input type="checkbox"/> Identify the promoting society; <input type="checkbox"/> State the price of the ticket, which must be the same for all tickets; <input type="checkbox"/> State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and <input type="checkbox"/> State the date of the draw, or enable the date of the draw

	to be determined.
<i>Mandatory Conditions</i>	<i>Specified conditions provided by regulations under Section 176 of the Act to be attached to Premises Licences.</i>
Members' Club	A club that must:- <ul style="list-style-type: none"> <input type="checkbox"/> Have at least 25 members; <input type="checkbox"/> Be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> Be permanent in nature; <input type="checkbox"/> Not be established to make commercial profit; <input type="checkbox"/> Be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of Private Lotteries: <ul style="list-style-type: none"> <input type="checkbox"/> Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; <input type="checkbox"/> Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; <input type="checkbox"/> Residents' Lotteries - promoted by, and tickets may only

	be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <ul style="list-style-type: none"> <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
<i>Regulations</i>	<i>Regulations made by the Secretary of State under the Gambling Act 2005.</i>
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:- <ul style="list-style-type: none"> <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for the Tendring District are contained in Appendix 'B' to this Policy.</p>
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of a premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
<i>The Act</i>	<i>The Gambling Act 2005</i>

<i>The Council</i>	<i>Tendring District Council</i>
<i>The Commission</i>	<i>The Gambling Commission</i>
<i>The Policy</i>	<i>The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.</i>
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<i>Unlicensed Family Entertainment Centre</i>	<i>Premises offering Category D machines only with unrestricted entry.</i>
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

ANNEX 'D'

SUMMARY OF MACHINE PROVISIONS BY PREMISES

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)			
Small casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)			
Bingo premises¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Licensed family entertainment centre³				No limit on category C or D machines			
Family entertainment center (with permit) ³				No limit on category D machines			
Clubs or miners' welfare institute (with permits) ⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair				No limit on category D machines			

- ¹ *Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.*
- ² *Adult gaming centers are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centers are restricted to sub-category B3 and B4 machines, but not B3A machines.*
- ³ *Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.*
- ⁴ *Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.*
- ⁵ *Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.*

ANNEX 'E'

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	-	-	X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

Contact for further information and
ALTERNATIVE LANGUAGES AND FORMATS OF THIS PLAN

If you require an alternative language or format of this Policy or if you would like further information or have any comments on anything contained in the Policy, please contact the Legal Services, Licensing Team on
01255 686565

or write to us at:-

Tendring District Council, Licensing Department,
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Or send us an e-mail at: -

licensingsection@tendringdc.gov.uk

This Policy is also available on the Council's Website

www.tendringdc.gov.uk

BENGALI

যদি আপনার এই নথিটি বাংলা ভাষায় প্রয়োজন হয়, তাহলে www.Tendringdc.gov.uk এর মাধ্যমে অনুবাদ করে দেওয়ার জন্য অনুরোধ করা যেতে পারে।

CHINESE

如果你需要这份文件的简体中文翻译，可以通过www.Tendringdc.gov.uk订购。

GUJERATI

જો આ દસ્તાવેજ તમને ગુજરાતીમાં જોઈતું હોય તો www.Tendringdc.gov.uk થકી એનું ભાષાંતર ખરીદી શકાય છે.

HINDI

यदि आप इस दस्तावेज़ को हिन्दी में चाहते हैं, तो www.Tendringdc.gov.uk के माध्यम से अनुवाद का ऑर्डर दिया जा सकता है।

POLISH

Jeśli potrzebujesz ten dokument w J. Polskim, tłumaczenie może być zleczone na stronie www.Tendringdc.gov.uk

TURKISH

Eğer bu dökümanı Türkçe olarak istiyorsanız, çeviri www.Tendringdc.gov.uk yolu ile düzenlenebilir.

URDU

اگر آپ کو اس دستاویز کی ضرورت اردو میں ہے تو www.Tendringdc.gov.uk کے ذریعے اس کے ترجمہ کی فرمائش کی جا سکتی ہے

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CABINET

25 FEBRUARY 2022

JOINT REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE AND THE PORTFOLIO HOLDER FOR BUSINESS AND ECONOMIC GROWTH

A.7 BACK TO BUSINESS AND CORPORATE INVESTMENT PLAN (Report prepared by Lee Heley and Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Cabinet on the success of the Back to Business Programme and seek agreement to move to a Corporate Investment Plan to support accelerated delivery.

EXECUTIVE SUMMARY

The Council has co-ordinated some of its investment over the last two years through the Back to Business Plan in response to the Covid 19 Pandemic. In line with the Capital Strategy, other investments and cost pressures have been managed via the financial strategy and in-year financial performance reports. This approach has been supported by earmarking reserves and budgets with the aim of managing such costs separately to the annual budget cycle. As a result the Council protects the underlying base revenue budget as far as possible.

In response to previous peer reviews and the annual governance statement action plan (including points raised by the Council's External Auditor), the opportunity has been taken to review the corporate framework against which projects and investments are prioritised. This is timely given the limited funding available to the Council outside of the money required to operate its key front line services and other day to day operations.

Back to Business galvanised the Council to counter the impacts of the pandemic, successfully delivering projects against the themes of 'Strive', 'Thrive' and 'Live'. It enabled the Council to respond to the economic challenges Tendring has faced, for example providing businesses with advice and supporting the development of Freeport East. The Council also attracted tourists to the Coast and engaged local residents during the Pandemic, including the Octopus Ahoy! sculpture trail, Clacton 150 Anniversary flights and the Clacton 150 Heritage Trail from Jaywick Sands to Holland Haven. Back to Business also supported wellbeing, with over twenty wellbeing hubs set up in Tendring and Colchester schools.

The new approach therefore allows the Council to merge the Back to Business Plan into a new Corporate Investment Plan along with the other proposals for schemes and projects that flow from initiatives and strategies, to compete for the Council's scarce resources. It also enables a reinvigorated approach to reviewing existing 'cash backed' schemes and projects where they can be considered against other emerging issues to ensure the Council's money is being put to effective use in the short, medium and long term.

From now on, the Corporate Investment Plan will bring together a fuller pipeline of

opportunities to be funded, which enables the various competing priorities to be considered in a consistent way.

The new Corporate Investment Plan will include the following key elements:

A decision making process, including a **Corporate Investment Board** to agree the project Pipeline, and which projects to recommend for progression towards a formal decision to allocate resources to deliver.

Criteria / Priority Drivers to help decision makers to prioritise and choose between competing proposals, including a project's impact on the Council's priorities, its financial implications, statutory obligations and risk mitigation.

A Pipeline of projects showing: projects in delivery moving to completion; approved projects with published decisions against them; and a long list of proposals yet to be decided on whether to progress. The pipeline of proposals will be refreshed as new opportunities emerge, new challenges need to be resolved, and priorities change.

Annex 3 offers a proposed first iteration of pipeline projects, which includes the projects raised at Full Council on 15 February 2022. Annex 3 is not exhaustive. Additional projects will start to be added to this plan as part of the first Corporate Investment Board in March 2022, with future boards adding / reconsidering projects within the pipeline where necessary.

Funding to allocate or reallocate to a Corporate Investment Fund to enable the Council to put resources to the recommended projects from the Pipeline. This approach to budgeting makes transparent funding that is set against projects that are in delivery, and Corporate Investment Plan funding that remains available to be allocated through the process to future projects.

It is recognised that this new approach will develop in the months ahead, in particular as the Pipeline of project proposals matures, and the first Corporate Investment Board starts to consider projects to add to and progress from the Pipeline.

It is also worth highlighting that as part of developing the plan, a number of existing budgets will be reviewed with the aim of identifying those that can potentially be repurposed to support projects within the Corporate Investment Plan. This work is currently on-going and will be considered for inclusion within the available funding that can support the plan going forward.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a. Notes the work completed under the Back to Business programme;**
- b. Agrees to implement a Corporate Investment Plan approach along with establishing the associated Corporate Investment Board as set out in this report; and**
- c. Subject to b) above, requests Portfolio Holders to explore with Officers further items for consideration by the proposed first meeting of the Corporate Investment Board in March.**

REASON(S) FOR THE RECOMMENDATION(S)

The Corporate Investment Plan makes the process of funding Council projects transparent and so helps decision makers to choose between the options for investment open to them. The recommendations respond to previous peer reviews and the annual governance statement action plan to develop a strong approach to allocate the limited funding available to the Council, outside of the money required to run its key front line services and other day to day operations.

ALTERNATIVE OPTIONS CONSIDERED

Option A is to keep to the status quo, and to allocate resources to new projects and programmes one by one as they emerge. However, this approach does not provide decision makers with the wider challenges facing the Council making it harder to ensure the best use of scarce resources than if all investment opportunities are brought together for consideration in a consistent and considered way.

However, this option would still be applicable to externally funded schemes where the funder sets out specific parameters for how the money can be used. This restricted use could still overlap with projects included within the Corporate Investment Plan, which could be considered at the appropriate time. Where there is more flexibility to how the funding can be used, the intention is that this would be considered via the Corporate Investment Plan.

This approach has the benefit of being responsive and flexible, for example to respond if new funding becomes available requiring Council matched investment, or if risks emerge that the Council decides to allocate funding to respond to.

Option B is to develop a Corporate Investment Plan once a year that sets out against our corporate priorities the additional spend on non-recurring expenditure outside our base budgets. This approach has the benefit of clarity of what additional spend the Council will make during a year, and could be aligned to the wider service budget setting process.

However, this approach potentially requires the development of all additional project work at one point in the year, which will limit the number of projects to the Council's capacity to carry out the detailed planning required to make an informed decision at one point. Or alternatively it will mean funding is allocated ahead of detailed planning, so that potentially funding is held for a project for a long period before the organisation has the capacity to develop the underlying work to take the project forward. An annual approach also makes it difficult for the Council to respond to new opportunities through the year, or deal with issues that emerge rapidly.

Option C – Recommended Option as set out in this report: a Pipeline of projects with a) projects in delivery, b) projects in development with funding agreed, c) project proposals for consideration; a Corporate Investment Board meeting through the year to agree the project Pipeline and recommend projects for investment; a set of criteria to aid decision making; and a potential pooled Corporate Investment Fund to allocate funding from to new projects.

Where the scheme or project relates to potentially on-going activity, the Plan would provide the flexibility to fund it upfront to enable further more timely consideration to be undertaken as part of the longer term plan, which is updated quarterly.

A 'live' Corporate Investment Plan also aims to capture on a more up to date basis schemes and projects that have the potential for being funded externally. A further aim of the plan is to provide a ready-made, well thought through list that can be used to make a coherent case to our partners and potential funders.

It is also worth highlighting that the Corporate Investment Plan approach will also be supported by the Accelerated Delivery 'fund' that was established last year to ensure the right capacity across the Council.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Corporate Investment Plan is designed to more strongly align the Council's investments to its priorities. As set out in Annex 2, the Council's priorities are Delivering High Quality Services; Community Leadership Through Partnerships; Building Sustainable Communities for the Future; Strong Finances and Governance; and a Growing and Inclusive Economy.

The Pipeline will align projects against the corporate priorities, enabling decision makers to see which investments will best deliver each priority. Delivering the corporate priorities is one of the key criteria for making a recommendation on which projects to progress. This alignment will strengthen the delivery of the Council's objectives, rather than just grouping investments by Council service.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Corporate Investment Plan is a response to comments from the external Auditor who has pointed to the opportunity for the Council to further develop the way it allocates resources to activity outside the day to day running of services.

The Resource And Services Overview and Scrutiny Committee has highlighted when scrutinising the Budget the importance of accelerating delivery of the Council's projects, and ensuring that funding allocated to activity is translated to visible change on the ground.

Cabinet members are supportive of the Corporate Investment Plan proposals, recognising that it will serve to become an effective way of ensuring that funding is put to the most important priorities of the Council, learning from the good practice seen in the Back to Business agenda.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate by which criteria it is a Key Decision	X Significant effect on two or more wards X Involves £100,000 expenditure/income X Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of	11 January 2022

		forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	
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X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Monitoring Officer is aware and supportive of the proposals set out in this report for a Corporate Investment Plan.

The Council's Annual Governance Statement for 2020/21 highlighted the need to develop an investment plan during 2020/21 which will be directly linked to the Council's budget and evolving financial position and supported by the reprioritisation of budgets / existing funding and / or as part of the long term forecast. It was not possible for this to be developed during 2020/21 and was carried over to 2021/22 and has been referenced at Cabinet and the Resources and Services Overview and Scrutiny Committee during the last few months.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance

The Back to Business Plan allocated indicative budgets to activity which were subsequently drawn down to service budgets through separate decisions to enable project implementation. In total £862,000 was allocated to the Back to Business Plan, and it is proposed to include any outstanding items within the Corporate Investment Plan. Any unspent money from this initial allocation would therefore also move across to support the development of the Corporate Investment Plan.

The Back to Business programme has demonstrated the benefits of bringing together the delivery of activity into one place, so that the breadth of the Council's activity is visible. The Corporate Investment Plan will continue that approach, and bring in more funds so that a more comprehensive pipeline of projects can be developed over time.

Project proposals will be included in the Pipeline and then the Corporate Investment Board will recommend investment against them, with the Corporate Investment Fund enabling the Council to put money to new projects.

As discussed earlier, this report sets out the first iteration of the Corporate Investment Plan with a number of initial items included within **Appendix 3**. However the plan will evolve over time, which will see further items added. It is also worth highlighting that as part of developing the plan, a number of existing budgets will be reviewed with the aim of identifying those can potentially be repurposed to support projects within the Corporate Investment Plan. This work is currently on-going and will be considered for inclusion in the funding that can support the plan going forward.

Resource implications

The development of the Corporate Investment Plan will require additional time from officers to manage the Pipeline of projects, attend the Corporate Investment Board, and importantly to develop the documentation to enable decisions makers to prioritise the project pipeline and recommend which projects should be supported. However, the officer time spent in this way will enable better management of investment, and greater clarity over which projects are in development and where funding is reserved for investment in future projects in the Corporate Investment Fund.

The capacity within the organisation to deliver projects will remain broadly the same given the same staff base. The approach is not designed to convert all potential funding into immediate project delivery. Rather it increases the transparency of which projects are in delivery, and which remain in the Pipeline ready for future delivery in the months and years ahead as current projects are completed and staff capacity is released to take on new work.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The S151 Officers has contributed to and supports this report and endorses the Corporate Investment Plan as set out. The management of the Corporate Investment Plan will develop in the coming months and the role of S151 Officer will be important as part of the Corporate Investment Board to support decision makers in recommending projects and programmes

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Corporate Investment approach will strengthen the way the Council manages its new investment in projects and programmes to enable it to focus on priorities.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Corporate Investment Plan will strengthen governance, by giving decision makers greater visibility of the range of options for investment at the point investments are made.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The approach will strengthen the links the Council makes between its investments and priorities, so the money we spend is focused on the performance against key priorities.

MILESTONES AND DELIVERY

February 2022 - Corporate Investment Plan proposals set out at Cabinet.

March 2022 – First Meeting of the Corporate Investment Board and development of the Pipeline and recommendation on project investments.

By end May 2022 - Second Meeting of the Corporate Investment Board.

By end July 2022 - Third Meeting of the Corporate Investment Board.

September 2022 – Update to Cabinet on implementation of the Corporate Investment Plan.

ASSOCIATED RISKS AND MITIGATION

There is a resource risk – that the additional time required to manage the process of developing the Pipeline, developing project initiation documents for work which may not then be funded reduces the time available to the organisation to deliver projects. However, even if slightly fewer projects were to be delivered overall, it is better to invest the time at the start of new work to ensure that that it is well planned to enable stronger decision making on which projects to progress, and then more effective delivery once a decision is taken to proceed. In addition, a decision not to progress a project on the basis of sound information does not invalidate developing the information for decision makers. It is also likely that stronger upfront planning and management of the project Pipeline will highlight where additional resources are required within individual projects, and where additional corporate resources are required. These resource requirements will then be factored into project investment plans.

There is a risk that the process becomes cumbersome, and the Council finds it harder to respond flexibly to emerging opportunities and risks. The Council should monitor the implement of the Corporate Investment Plan, and adjust it as necessary to ensure that the benefits of a more structured approach also enable quick decision making when that is required.

EQUALITY IMPLICATIONS

The Council will review the equality implications of individual investments in projects in the usual way. The Corporate Investment Plan process enables greater scrutiny of individual projects through the Corporate Investment Board in addition to the formal decision making process, giving greater opportunity to scrutinise equality implications.

SOCIAL VALUE CONSIDERATIONS

New projects often require procurement exercises for goods and services. This means projects funded through the Corporate Investment Plan will often have the opportunity to deliver social value, for example providing apprenticeships to local residents or helping them to find work, alongside delivering core project aims.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The Corporate Investment plan enables decision makers to see a wider range of projects across the Pipeline for investment than are currently visible, including those related to supporting the Council's journey to become net zero within the decade. The Corporate Investment Plan enables stronger join up across projects, for example the need for asset improvement and the requirements of thermal efficiency in a fabric first approach to reducing carbon emissions, supporting a join up between the Council's net zero plan and other matters.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder

No significant implications. Projects which reduce crime and disorder would be funded through the Corporate Investment Plan, alongside those which deliver other Council objectives.

Health Inequalities

No significant implications. Projects which reduce

	health inequalities would be funded through the Corporate Investment Plan, alongside those which deliver other Council objectives.
Area or Ward affected	All Wards

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council has co-ordinated some of its investment over the last two years through the Back to Business Plan in response to the Covid 19 Pandemic. In line with the Capital Strategy, other investments and cost pressures have been managed via the financial strategy and in-year financial performance report. This approach has been supported by earmarking reserves and budgets with the aim of managing such costs separately to the annual budget cycle that in turn protects the underlying base revenue budget as far as possible.

In response to previous peer reviews and the annual governance statement action plan (including points raised by the Council's External Auditor), the opportunity has been taken to review the corporate framework against which projects and investments are prioritised. This is timely given the limited funding available to the Council outside of the money required to operate its key front line services and other day to day operations.

This framework also cuts across various aspects of demonstrating the effective use of resources, a key strand of work that the External Auditor reviews each year.

The above approach also aims to provide a clear and consistent path from the Council's priorities and high level action plans set out in Council Strategies (such as the Tourism Strategy, Heritage Strategy, and Economic Strategy) to the funding of individual schemes and projects that underpin them. In economic language, it aims to provide a basis against which the use of the Council's scarce resources - including people, IT, assets as well as money - can be considered.

The approach therefore allows the Council to merge the Back to Business Plan into a new Corporate Investment Plan along with the other proposals for schemes and projects that flow from initiatives and strategies and compete for the Council's scarce resources. It also enables a reinvigorated approach to reviewing existing 'cash backed' schemes and projects where they can be considered against other emerging issues and items to ensure that the Council's money is being put to effective use in the short, medium and long term. It is timely to take a new approach now given the shift from reacting and responding to the Covid-19 pandemic and associated changing controls on economic and Council activity, to a more stable outlook to deliver the Council's priorities.

A Corporate Investment Plan approach will also help support the focus of the accelerated delivery budget and other in-house resources to ensure the Council has the right level of capacity at the right time in the right places.

Back to Business Plan

Lockdowns since 2020 in response to the COVID-19 pandemic have had an exceptional effect on life in Tendring and across the country that has impacted every area of life: from

work, to the education of children, the ability to enjoy and participate in the benefits of the District such as the coast and town centres, and also the long term health of residents.

Given the breadth of the challenges Tendring District faced during the pandemic, the Council responded with a broad action plan. On 13 November 2020 Cabinet endorsed the Council's Back to Business plan set out the Council's support for the District's recovery from Covid-19, allocating £862,000 to delivery. Back to Business was broadly scoped to include improvements to quality of life, support for residents, as well as businesses and the local economy. The plan also focused on the Council and its services adapting to the challenges of the pandemic. In February 2021 Cabinet endorsed a detailed action plan set out under three themes:

- **Strive:** support for our businesses
- **Thrive:** support for our residents
- **Live:** pride in our District

The Back to Business approach galvanised the Council to counter the impacts of the pandemic. The Council has responded to the economic challenges, for example contracting with specialist provider Colbea up to 2024 to run services to support businesses in Tendring. Between April 2021 and December 2021, Colbea advised 91 local firms, including on business planning and future strategy. Three quarters of those supported have been sole traders. Looking to the long term, we have worked closely with the Port and public sector partners on the submission of the successful Freeport East bid and the Outline Business Case, which has been approved. The Freeport's tax sites are now designated in law. We will continue to work with Freeport East on the final business case ahead of submission in April 2022.

The Council has also provided active engagement for residents during the pandemic and attracted tourists to the coast. The Octopus Ahoy! sculptures trail ran for 10 weeks in the summer of 2021, with an App to download and 30 octopus sculptures to locate, with participants earning prizes for scanning each one. The sculptures displayed art by local artists, and also engaged local primary schools, with smaller octopus sculptures in a school trail. Despite the pandemic the Clacton 150 Anniversary flights took place in August 2021 with as many as 75,000 onlookers spread along Clacton's coastline. The Council also installed Clacton Heritage Trail from Jaywick Sands to Holland Haven and incorporating Clacton town centre, to tell the story of Clacton and celebrate Clacton's 150th Birthday. The trail covers more than five miles of coastline and engages with local schools, elder care settings and the wider community. It includes interactive technology to bring Clacton's history to life.

Back to Business also supported wellbeing, with over twenty wellbeing hubs set up in Tendring and Colchester schools based on a model designed in the Great Bentley school in Tendring. The Great Bentley pilot hub is an after-school facility, where children with mild to moderate mental health issues are supported in group activity around themes of play, art, construction, and science, gaining a "rucksack of skills" to help them understand themselves and learn skills to take them forward into secondary school and beyond.

The full list of actions and progress is included at **Annex 1**.

Corporate Investment Plan

As highlighted above, the key aim of the Corporate Investment Plan is to establish a corporate framework to prioritise how, when and where the Council spends / deploys its available resources. The Corporate Investment Plan will strengthen the Council's capacity

to focus on delivery, and will enable the Council to make balanced judgements on investment against the corporate priorities.

It is important to highlight that it aims to complement rather than replace the key investment criteria set out in the Council's Capital Strategy.

Although there is clearly some overlap to the Capital Strategy, the key investment criteria included within the Strategy focus on key financial criteria, as would be expected through the adoption of the prudential code. These include items such as the return on investment, whole life costing, key risks and opportunity costs, payback periods along with more general financial issues such as insurance, VAT and cash flow implications if applicable.

The Capital Strategy therefore only reflects the framework for the use of capital resources, which only form one element of decision making on how the Council spends its money. For example, there are significant operational and revenue issues and ambitions that also compete for funding.

All organisations have finite funding and staff capacity, and need to choose where best to spend and invest their limited resources to achieve the goals they have set. The Corporate Investment Plan will bring together a fuller pipeline of opportunities to be funded, which enables the various competing priorities to be considered in a consistent way. When items are viewed in isolation, each often presents a good argument as to why it should be funded, but it is only when placed side by side with other competing items that a clearer picture emerges when allocating funding. The aim is to give maximum visibility to decision makers on the options for investment, so that prioritisation can be made knowing the alternative calls on Council's resources.

In comparison with the criteria included within the Capital Strategy mentioned above, the criteria proposed to be included within the Corporate Investment Plan include key priority 'drivers' such as financial viability / sustainability, non-financial consequences such as reputation / health and safety, the outcome from external assessment / regulatory reviews along with being outcome driven.

Pipeline

The Corporate Investment Plan will create a pipeline of projects. At the top of the pipeline will be the projects or investments that are supported and the Council has taken a formal decision to endorse, with resources backing them and progress underway. The Pipeline of projects will also include projects that have a decision to proceed, and will move into the delivery phase. Finally, options and proposals for future projects will be included. Project initiation documents may be developed to support the decision making of the Corporate Investment Board on whether to progress projects. In this way, the potential options for investment are clearly set out within the Pipeline, and those projects with endorsement and resources are also clear, demonstrating which projects should progress.

See **Annex 3** for the first iteration of projects from across the Council that forms the start of a much more extensive project Pipeline. The Corporate Investment Plan will list the relevant projects and new activities which the Council has proposed, for example through its Corporate Plan and approved strategies.

Framework for decisions

The Council has a strategic framework guiding its activities set out in the Corporate Plan themes, priorities, and annual highlight actions, with quarterly milestones. The Corporate

Plan 2020-24 themes and priorities are set out in **Annex 2**. However, there are further criteria required to support decision making because the number of project which could achieve the corporate priorities is greater than available resources. The Council needs to choose between projects which will all achieve its corporate priorities. Broadly speaking these considerations reflect whether the Council is required to carry out the work, whether there are financial benefits to the work, and how much the work helps the Council achieve its objectives. It is proposed that consideration is given to questions such as:

Objectives	Which project is likely to have the greatest impact (per pound) on our strategic objectives?
	Is there a formal benefit cost ratio to determine value for money?
Requirement	Are there health and safety concerns?
	Does the project reduce risks for operational services?
Statutory	Do we have a statutory obligation to deliver this project?
	Does the project support a statutory obligation?
Finance	For the Council's investment, how much external funding or future income does the project bring in?
	Over what period would future income repay the cost of investment?

Some investments through this approach may bring a return or a saving to the Council, for example investments in buildings which reduce their future running costs. However, by 'investment' the Council means spending its funds to achieve its priorities, rather than requiring a commercial return.

Corporate Investment Board

There needs to be a forum for decision makers to consider a range of options for projects to progress, and to make choices. Ultimately decisions on new investment will be made through the Council's constitutionally agreed procedures, including Officer decisions, Portfolio Holder decisions, Cabinet and full Council.

However, ahead of formal decision making, the Corporate Investment Board will prioritise the projects for potential funding applying consistent criteria, set out above in this report. The Board creates the space for an overview of potential investments and to advise decision makers.

It is proposed that the Corporate Investment Board would be chaired by the Leader of the Council and will include the Portfolio Holder Finance and Governance, as well as the Chief Executive and the Section 151 Officer. The relevant Portfolio Holders submitting projects for support to the Corporate Investment Board will also attend to propose the projects seeking investment. Projects over £30,000 will require Project Initiation Document to be submitted.

It is worth repeating the above point that the Corporate Investment Plan does not impact on the current decision making framework within the Council, with the same level of transparency via Officer, Portfolio Holder and Cabinet decisions and the associated scrutiny and call in processes.

It is proposed that the Resources and Services Overview and Scrutiny Committee are consulted on the development of the plan throughout the year.

Corporate Investment Fund

Funding is required in order to bring forward new projects and to continue to respond to emerging risks and to take new opportunities. As such, there is an opportunity to reallocate funding from areas where delivery may no longer be expected or have been superseded into a Corporate Investment Fund or Reserve. Then as projects are brought forward from the Pipeline for recommendation to progress at the Corporate Investment Board, it will be possible to draw on from this Corporate Reserve. Within the context of the above, a number of existing budgets will be reviewed with the aim of identifying those can potentially be repurposed to support projects within the Corporate Investment Plan. This work is currently on-going and will be considered for inclusion in the funding that can support the plan going forward.

The Corporate Investment Board will monitor the allocation of the Corporate Investment Fund to projects, to support a reasonable and strategic balance of investment across the Council's priorities over time.

Forward planning

Some projects allocated funding requires immediate delivery. However, some projects will take longer to plan and move from proposal to implementation. In order to match organisational capacity to delivery some projects will not be able to start until others have completed. As such the spend profile of endorsed projects should be included over the future years when they will be delivered, and it is not expected that every approved project will deliver in the current or subsequent financial year.

On-going development of the approach

The approach is designed to evolve over time, as new proposals for investment are developed, and existing budgets are reprioritised. The process will give decision makers the opportunity update past decisions in the light of new opportunities. Officers will work with members to develop the corporate investment plan in the coming months.

PREVIOUS RELEVANT DECISIONS

Back to Business Cabinet Report November 2020
Back to Business Cabinet Report February 2021

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Annex 1: Back to Business Plan Update
Annex 2: Corporate Plan Themes and Priorities
Annex 3: Corporate Investment Plan Proposals

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Annex 1: Back to Business Update

Action	Budget	Timescales	Progress
Offer engagement, support and outreach services to businesses for a period of three years.	£100,000 (Economic Growth Budgets)	April 2021 to Mar 24	<ul style="list-style-type: none"> • Specialist provider Colbea contracted to 2024 and running services to support businesses in Tendring. • Since the start of the contract in April 2021 up to the end of December 2021, 91 local firms supported. • 54 businesses have been supported in providing a business plan and 23 a future strategy. • 26% of businesses are from the creative and cultural sector. • 60% of businesses are pre-start and new businesses supporting signs of recovery from the pandemic. • 76% of businesses are sole traders.
Provide e-commerce packages for up to 20 Tendring businesses to provide an online ordering and payment service for their customers.	£50,000	May-21	<ul style="list-style-type: none"> • Digital support offered by SELEP and Colbea to Tendring firms.
Deliver the new covered market and Workspace scheme in Jaywick Sands.	£2m (separate budget)	Completion by February 2022	<ul style="list-style-type: none"> • Funding secured from SELEP for the project. • Building and grounds designed by HAT projects. • Tenders received well above budget. TDC has invested further funding. • Essex County Council approached for additional funding. • If funding received, estimated start on site March 2022 and completion November 2022.
Review governance arrangements for procurement to maximise benefit to Tendring , e.g. employee local people, apprenticeships, and using Tendring district supply chains where possible.	£0	April 2021	<ul style="list-style-type: none"> • Procurements for Starlings and Jaywick WorkSpace trialed criteria for social value to Tendring. • Local Government Association contracted consultants reviewing procurement data to test areas for new local spend. • New procurement arrangement developed with Essex

			County Council.
Expedite the existing ' Starlings ' project for a new car park / events space in Dovercourt town centre.	£1.5m (separate budget)	March 2021	<ul style="list-style-type: none"> • Carpark and events spaces designed. • Planning permission sought and granted for project. • Tender and procurement completed. • Additional funding agreed by Cabinet and contract due to be let. • Estimated start on site March 2022 and completion July 2022.
Work with partners, including Hutchinson Ports to present a compelling case for developing Harwich International as one of the Government's nominated Freeports , following EU Exit.	Funded through separate budget	Submission by 5 February 2021	<ul style="list-style-type: none"> • Bid submitted to and approved by Government. • Outline Business Case submitted and approved by Government. • Freeport East Tax sites designated by Government and enshrined in law. • Final Business Case due for submission April 2022.
Work with partners to deliver an art sculpture trail for Tendring , to encourage active travel and drive footfall to local businesses.	£100,000	Jul-Sep 2021	<ul style="list-style-type: none"> • Sculpture trail 'Octopus Ahoy!' with 30 large 4 foot x 4 foot sculptures across the district. • 10,000+ downloads of the Octopus Ahoy app. • 103,000 scans of the sculpture QR codes. • Over 22 million steps achieved on the sculpture trail. • Sculptures auctioned for charity.
Provide redundant Council IT equipment to disadvantaged young people.	£7,000	Apr 2021	<ul style="list-style-type: none"> • In April 2021 the Council donated 272 council devices (54 tablets, 43 laptops and 175 towers) to the successful scheme led by Essex County Council to support children study, at nil cost to TDC.

Explore options to allocate additional funding towards local organisations providing mental health services to young people	£30,000	Apr 2021	<ul style="list-style-type: none"> • Discussions in progress with Teen Talk and proposals for grants developed: <ul style="list-style-type: none"> ○ Extend current support to young people and families to additional areas of district. ○ Engage with secondary schools to provide early intervention work. ○ Support for identified young people moving from children's to adult mental health services.
Submit a funding bid to DWP to meet the cost of two full time posts for 12 months to deliver targeted support to residents to move them into employment, work experience or training.	£0	Jun 2021	<ul style="list-style-type: none"> • Bid submitted twice to DWP. • The bid was unsuccessful as it was not possible for TDC to meet DWP's significant monitoring requirements.
Investigate relaxing the savings target included in the Long Term Forecast for 2021/22 to ensure there is no potential adverse impact on the delivery of services to residents during the pandemic.	£0	Apr 2021	<ul style="list-style-type: none"> • Completed • Savings target for 2021/22 removed from the financial forecast. • Council still built £239,000 of savings into the overall detailed budget for 2021/22, with a further £223,000 identified in 2022/23 as part of the first steps in developing a zero based approach.
Work with partners to apply for funding for the work of the Digital Access Team (who operate across Colchester) to provide Tendring residents with the knowledge to go online with confidence, given the rise of on-line life during the pandemic.	£0 Separate budget	Mar 2021	<ul style="list-style-type: none"> • Funding from Colchester Borough Council, Tendring District Council and health partners for the year 2021/22. • Team has targeted their support to people facing health inequalities or who are socially isolated. • Shortlisted for UK IT Industry Awards in the Project Excellence category. • The Team is continuing through 2022/23 with most funding awarded through the CCG and Colchester Borough Council. TDC may need to contribute next financial year.

Add value to the Council's Career Track Programme to improve the quality of apprenticeship schemes for young people.	£30,000	Jun 2021	<ul style="list-style-type: none"> • Ten employers to receive a £2,000 wage incentive. Two employers have been identified, and a third is currently advertising an apprenticeship role • For the purposes of training and upskilling, OneFile (an online app portal and eportfolio system) has been purchased, and training is underway ready to go live in March 2022. • One laptop and ipad purchased to provide resource for apprentices in small settings e.g. one to one assessments.
Roll out the Primary School Wellbeing Hubs across 16 schools to support the health of the District.	£5,000	Sep 2021	<ul style="list-style-type: none"> • Wellbeing Hubs launched as planned in summer term 2021 • Twenty two Hubs now operating across Tendring and Colchester.
Tendring Education Strategic Board. The Strategic Board currently has four task and finish groups working across a number of education themes.	£0	To be determined by national guidance	<ul style="list-style-type: none"> • The Board has four key priorities, task and finish groups established and work in progress. • The Board agreed an additional priority in June 2021 for early years speech, language and communication as part of the Department for Education's Opportunity Area, including twinning arrangement with Ipswich and Norwich.
Introduce a Memorandum of Understanding with Universities , to improve education opportunities for Tendring residents.	£0	Sep 2021	<ul style="list-style-type: none"> • Memorandum of Understandings in place with Essex University and Anglia Ruskin University
Work with partners to publish an action plan on the wider determinants of health across Tendring and inform future decision making. This project will look at health inequalities and innovative employment opportunities across the District.	£5,000 (further DWP funding)		<ul style="list-style-type: none"> • The Alliance Board and Committee have approved proposed spending of £400 000 for health inequalities which the Clinical Commissioning Group and East Suffolk and North Essex Foundation Trust provided to the Council. • Proposed spending plans shared at a Council All Members Briefing.

Identify opportunities to establish ' quiet spaces ' for children / young adults to study remotely if they cannot easily do so from home.	Costs to be determined through the study	Study completed Jun 2021	<ul style="list-style-type: none"> Schools returned to in-school teaching.
Undertake a corporate review of the Council's operational assets to prioritise spending from an associated reserve over the next few years.	£0	Dec 2021	<ul style="list-style-type: none"> A programme of detailed efficiency surveys is complete. Circa £1m of recommended works identified to improve Council assets, reduce carbon emissions and increase efficiency. Projects under evaluation by the Facilities Managers to decide which are practical to move forward.
Develop an investment plan during 2021/22 which will be directly linked to the Council's budget and evolving financial position. To be supported by the reprioritisation of budgets / existing funding and/or as part of the long term forecast	£0	Apr 2020/1	<ul style="list-style-type: none"> Corporate investment plan included within this report.
Work with local organisations to identify where an asset transfer could maximise the benefit to the district and local outcomes.	£0	Dec 2021 (scope)	<ul style="list-style-type: none"> A schedule of 25 properties identified Work on the disposal processes is under way.
Work with the users to refurbish Clacton Skate Park .	£ 250,000	Sep 2021	<ul style="list-style-type: none"> A specification completed in consultation with users. Jupiter Play have completed a plan for the wider site. Implementation paused while the Clacton Leisure Centre refurbishment was on site (to Dec 2021). Timeline for completion now Summer 2022.
Following the successful bid to the National Lottery Heritage Fund deliver a project to celebrate the 150th anniversary of Clacton , which falls in 2021. This will provide new heritage features on the seafront.	£250,000 Separate Budget	Apr 2021 to Mar 2023	<ul style="list-style-type: none"> The new Clacton Heritage Trail installed Information boards on Clacton's history from Jaywick Sands, along the promenade and into the town centre, up to the railway station and back down to the named beaches. Twenty three bays named along the seafront

<p>Work with the Football Foundation and Essex Football Association to secure match funding for a new 3G pitch at Clacton Leisure Centre to be complete in summer 2021 and explore further potential for pitches at Harwich/Dovercourt and Frinton/Walton</p>	<p>Separate budget</p>	<p>Sept 2021 Sept 2022 Sept 2023</p>	<ul style="list-style-type: none"> • Match funding secured for a new '3G' pitch at Clacton Leisure Centre. • The Council is agreeing a Basic Asset Protection Agreement with Network Rail, prior to works on the pitch. • Harwich/Dovercourt: work underway with Sigma Trust and the Football Foundation to explore options for location • Frinton /Walton: location to be determined.
<p>Continue to work to utilise funds secured from the Local Delivery Pilots project, to improve activity in our communities.</p>	<p>Separate budget</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> • More than 30 small grants approved to fund projects to increase the physical activity of inactive people. • Total spend of circa £850,000 has levered in external funding totalling £3.1m to date • Larger projects include cycling infrastructure and access to equipment and maintenance through Essex Pedal Power, as well as contributions to CVST to build capacity, and Teen Talk to further enable their work with local young people.
<p>Reintroduce a comprehensive GP referral scheme on a trial/fixed term basis, to tackle physical and mental health.</p>	<p>£30,000</p>	<p>Subject to national guidance. Anticipated Spring 2021</p>	<ul style="list-style-type: none"> • The Council has agreed to re-introduce GP referrals • The scheme is being configured with the Council's Leisure Centre systems. • The scheme will be rolled out early 2022.
<p>Implement a 'Celebrate Tendring' initiative in 2021 – to include the Illuminate Festival (Harwich) and Clacton's 150 year anniversary. Work with external organisers to facilitate a wider series of quality local events which (subject to national guidance) will take place throughout the 2021 season, 'bookended' by Harwich Illuminate and the Clacton Airshow.</p>	<p>Separate budget</p>	<p>Timescales determined by national guidance on mass participation events</p>	<ul style="list-style-type: none"> • Clacton 150 Anniversary Flights successful in August 2021 • Illuminate Festival cancelled in 2021 due to national restrictions. • The Women's Tour of Britain came to Tendring in October. • The project to install heritage boards, benches and audio posts was completed on schedule.

<p>Work with national and international partners to reinvigorate plans for Mayflower 400, to welcome the postponed visitor tours from the US, Holland and UK in 2021. Extend the lease for Christopher Jones house until the end of 2021, to ensure visits to the attraction will be maintained throughout the year.</p>	£6,000	On going	<ul style="list-style-type: none"> • The Exhibition setting out the history of the Mayflower has been given a home in the Harwich Museum. • The lease on Christopher Jones house is due for extension, with tours of the house by appointment.
<p>Bring forward proposals for improvements to the District's seafront offer. In Clacton/Holland on Sea; Harwich / Dovercourt Bay; Brightlingsea; Walton on the Naze; and Frinton on Sea.</p>	£100,000	June 2021 an onwards	<ul style="list-style-type: none"> • Consultation with Ward members took place in 2021 • Project leads identified and agreed with National Lottery Heritage to progress • Implementation planned during 2022
<p>Provide seed funding for local events organisers to facilitate a high quality programme to support the Tendring tourism economy in its recovery.</p>	£35,000	Timescales determined by national guidance.	<ul style="list-style-type: none"> • The Council has offered Event Grants since July 2021 • The Council has granted £22,000 to 26 organisations.
<p>Provide free Leisure Centre vouchers to all residents, to support activity levels.</p>		As soon as possible after national restrictions are lifted on Leisure Centres re-opening.	<ul style="list-style-type: none"> • The free activity vouchers scheme will be rolled out in March 2022 now that the Clacton Leisure Centre upgrades are complete.

Annex 2: Corporate Plan Priorities

- Delivering High Quality Services
Modern, high quality buildings and facilities for customers and staff • 24 hour a day digital services – My Tendring • Minimise waste; Maximise recycling • Proactive Planning Service • Public spaces to be proud of • Effective regulation and enforcement • Carbon Neutral by 2030
- Community Leadership Through Partnerships
Health and wellbeing - for effective services and improved public health • Education - for improved outcomes • Law and Order - for a safer community • Sport England and Active Essex- for physical activity and wellbeing • Joined-up public services for the benefit of our residents and businesses • Influence and lobby - for Tendring's future
- Building Sustainable Communities for the Future
North Essex Garden Communities • Jaywick Sands - more and better housing; supporting the community • Vibrant Town Centres • Building and managing our own homes • Effective planning policies
- Strong Finances and Governance
Balanced annual budget • 10 year financial plan • Effective and positive Governance • Strong and focused leadership • Use assets to support priorities
- A Growing and Inclusive Economy
Develop and attract new businesses • Support existing businesses • More and better jobs • Promote Tendring's tourism , cultural and heritage offers • Maximise our coastal and seafront opportunities

Annex 3: Corporate Investment Plan: Project Pipeline examples

Example of the Corporate Investment Plan Project Pipeline, including proposals from Full Council 15 February 2022. The full project pipeline will be agreed at the first meeting of the Corporate Investment Board in March 2022.

Green: Projects in delivery. Amber: Funded projects in development. Grey: Project proposals under consideration

Project	Start	End	Corporate Budget	Notes
Projects in Delivery				
Starlings Project	2019	2022	£1,867,383	<ul style="list-style-type: none"> To create a new events space / carpark including EV charging points, regenerating Dovercourt town centre. Project agreed and funded by Cabinet January 2022
Cremators	2021	2022	£1.539m	<ul style="list-style-type: none"> To replace the Council's two cremators. Project agreed and funded by Cabinet
Jaywick Sands Market and Managed Workspace	2020	2022	£430,000	<ul style="list-style-type: none"> To develop a covered market, community garden, and managed workspace in Jaywick Sands. £4.4m total project cost. Funded by ECC and SELEP. Awaiting approval of additional ECC contribution.
Jaywick Sands Place Plan	2018	2023	£150,000	<ul style="list-style-type: none"> A spatial plan for Jaywick Sands that sets the framework for future development. HAT projects contracted to complete the Plan. £80,000 spent by 2020 and a further £70,000 allocated.
Projects in development				
Honeycroft redevelopment	2020	Date	£4m	<ul style="list-style-type: none"> To build new council homes in Lawford. Funding is allocated within Housing Revenue Account borrowing, with options to explore external funding

Garden Community	2020	2026	£1.3m	<ul style="list-style-type: none"> Cabinet agreed to set aside £1.3m to invest in future development in the Garden Community, outside the statutory plan making process. Council continues to work with partners to deliver this scheme.
Town Centre Levelling Up	2020	2026	£2.295m	<ul style="list-style-type: none"> Cabinet agreed to set aside funding towards Town Centre improvements in Clacton. Matched to Essex County Council's £5.87m funding and the potential for £20m from Levelling Up Fund.
Proposals under consideration				
Milton Road Carpark Demolition	2022	2023	£140,000	<ul style="list-style-type: none"> To demolish the Milton Road Carpark in Dovercourt once the Starlings Project is complete in preparation for future development.
Milton Road Development	2023	2025	TBC	<ul style="list-style-type: none"> To develop housing on the Milton Road site.
Jubilee Scholarships	2022	2023	£200,000	<ul style="list-style-type: none"> To support young people from Tendring to pursue technical, artistic or academic qualifications who might not otherwise be able to do so. Proposed at Council 15/02/22. Working Member Group to develop the proposal to be set up within 3 months
Capital support scheme	2022	2023	£150,000	<ul style="list-style-type: none"> To support capital projects across the District Proposed at Council 15/02/22. Member Group with Town, Parish / unparished councillors to develop the proposal, to be set up within 3 months
Member Small Grants Scheme	2022	2023	£48,000	<ul style="list-style-type: none"> Members to award grants of £1,000 to support the Queens' Platinum Jubilee Celebrations within their wards. Extension of existing member small grants scheme.

Member Small Grants Scheme	2022	2023	£144,000	<ul style="list-style-type: none"> Members to award grants of £3,000 to Tendring organisations supporting residents with the cost of living. Extension of existing member small grants scheme.
Transition of Joint Use Centres	2022	2023	TBC	<ul style="list-style-type: none"> Supporting the transition of the joint use centres to community use run by the Sigma Trust
Jaywick Housing Conditions Survey	2022	2024	£500,000	<ul style="list-style-type: none"> The Council has undertaken a house condition survey in Jaywick and work remains to identify the response.
Homelessness Early Intervention Officer	2023	2026	£150,000	<ul style="list-style-type: none"> To consider the extension of the current fixed term contract of this role.
Seafront Enhancements	2022	2024	TBC	<ul style="list-style-type: none"> To consider opportunities in conjunction with seaside communities (including Town / Parish Council's) To develop funding options e.g. expansion of beach hut provision.
Public Convenience Improvements	2022	2023	TBC	<ul style="list-style-type: none"> To develop options via the Public Convenience Strategy.
Extend Pedal Power	2022	2025	£400,000	<ul style="list-style-type: none"> To explore options to extend the Jaywick cycling pedal power scheme within the District. To seek external funding from the Local Delivery Pilot.
Disabled Bike Scheme	2022	2025	£300,000	<ul style="list-style-type: none"> To help disabled people to start cycling by running a specialist bike scheme. To seek external funding from the Local Delivery Pilot.

CABINET

25 FEBRUARY 2022

JOINT REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE AND THE PORTFOLIO HOLDER FOR HOUSING

A.8 FREEHOLD SALE OF A RESIDENTIAL PROPERTY IN HARWICH

(Report prepared by Heidi Foster)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval from Cabinet for the freehold sale of a five bedroom residential property in Harwich requiring substantial maintenance work.

EXECUTIVE SUMMARY

In November 2021 authority was obtained to commence the Property Dealing Procedure and list for open market sale a five bedroom residential property in Harwich requiring substantial maintenance work.

An offer has been received and Cabinet approval is now sought to enter into a contract to dispose of the property on the terms set out in the Part B report.

RECOMMENDATION(S)

It is recommended that:

- Cabinet authorises, in principle, the terms for the freehold sale of the property; and,
- Subject to its decision on terms, authorises the Corporate Director for Operations and Delivery to enter into a contract and transfer deed to complete the sale of the property as set out in the report in Part B of this report. However, should this sale fall through, the Corporate Director for Operations and Delivery may continue to accept offers £10,000 above or below the sale price or to go to auction via the recommended reserve price.

REASON(S) FOR THE RECOMMENDATION(S)

Officers believe that it will be more cost effective to invest funds in a more suitable alternative property in the area rather than invest in this property due to its high ongoing maintenance costs.

ALTERNATIVE OPTIONS CONSIDERED

To invest significant funds into bringing the property back to a decent standard. Due to the nature and age of the house the maintenance and running costs are high and selling the property will avoid the Council having to spend upwards of £75,000 in capital works.

The use of the receipts can be added to funds already held from Right to Buy and/or S106 receipts and be used purchase or develop a more suitable additional dwelling/s.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES			
<p>The Corporate Plan priorities include building sustainable communities for the future - Building and managing our own homes and also to use assets to support priorities.</p> <p>A capital receipt to the Housing Revenue Account offers potential to contribute to the investment in acquiring an additional, more suitable property in the Tendring area.</p>			
OUTCOME OF CONSULTATION AND ENGAGEMENT			
<p>Consultation has been undertaken with:</p> <p>The Building Services Manager and Housing Solutions Manager, who both support the sale of this property.</p> <p>The Chair of the Tenants' Panel who agreed to the principle of selling properties that require significant and expensive works to maintain at a decent standard.</p>			
LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	25 January 2022
<p>Disposal of a property held within the Housing Revenue Account is restricted by Section 32 of the Housing Act 1985 and can only be made with consent of the Secretary of State. Consent is governed by Section 34 of the 1985 Act and the current consent is contained within the General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2013, which came into force on 11 March 2013.</p> <p>In accordance with the General Consent, Section A – paragraph 3.1.1, a local authority may, subject to paragraph 3.1.2, dispose of land for a consideration equal to its market value. “Land” is defined as including buildings (which could include dwelling-houses, houses and flats) and other structures.</p> <p>“Market value” means the amount for which a property would realise on the date of the valuation on a disposal between a willing buyer and a willing seller in an arm’s-length transaction after proper marketing where the parties had each acted knowledgeably, prudently, and without compulsion and where the market value is assessed not earlier than 3 months before the buyer applies or agrees to an offer in writing.</p>			

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

Although the property is no longer required by the Council for housing purposes, its disposal must be for a consideration equal to market value, to enable the Council to rely on the General Consent Order for Housing Purposes and hold the receipt in the Housing Revenue Account for future housing stock”.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

Due to the nature and age of the house the maintenance and running costs are high and selling the property will avoid the Council having to spend upwards of £75,000 in capital works. The use of the receipts could be added to funds already held from Right to Buy and/or S106 receipts and used to bring a more suitable additional dwelling/s into the Housing Revenue Account.

Risk

Officers have not identified any significant risk associated with the proposals. Further detail is set out in the Part B report.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

There are no additional comments over and above the financial information / commentary already set out elsewhere in this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>Due to the nature and age of the house the maintenance and running costs are high and selling the property will avoid the Council having to spend upwards of £75,000 in capital works to solve dampness and structural problems. The use of the receipts could be added to funds already held from Right to Buy and/or S106 receipts and used to bring a more suitable additional dwelling/s into the Housing Revenue Account.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Refer to legal requirements</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>See financial sustainability</p>

MILESTONES AND DELIVERY

Subject to Cabinet approval, anticipated completion in April / May 2022. Subject to resources the transaction is to be completed by TDC’s Legal Services or an external firm of solicitors.

ASSOCIATED RISKS AND MITIGATION

The predominant risk associated with this proposal is that the purchaser withdraws their offer. The mitigation that has been built into the recommendations is that the Corporate Director for

Operations and Delivery be authorised to accept alternative offers £10,000 above or below the current offer. Alternatively, he will be authorised to dispose of the property via an auction.

EQUALITY IMPLICATIONS

The proposal does impact on the protected characteristics of any individuals

SOCIAL VALUE CONSIDERATIONS

None identified

IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030

The sale of this property does not present a direct impact on the Council’s target for net zero greenhouse gas emissions from its business operations by 2030. This property is regarded as hard to treat with respect to energy efficiency improvements and as such the property would be costly and difficult to retrofit to higher energy performance. Funds from the sale will be used to fund the purchase of an inherently more energy efficient property.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	None noted
Health Inequalities	None noted
Area or Ward affected	Harwich and Kingsway Ward

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The property is a non-traditional Council house in need of substantial maintenance work and has been identified as surplus to requirements.

The property has been on the market with a local Estate Agent for a number of weeks and an offer has been received in line with the valuations. The offer has been provisionally accepted subject to the decision recommended in this report.

The offer accepted is equal to the market value of the property as determined by the valuations obtained and as such the disposal will be in accordance with the General Consents Order.

PREVIOUS RELEVANT DECISIONS

Initiation report published 25 January 2022.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

REPORT CONTACT OFFICER(S)	
Name	Heidi Foster
Job Title	Senior Tenancy Management Officer
Email/Telephone	hfooster@tendringdc.gov.uk / 01255 686485

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

25 FEBRUARY 2022

REPORT OF CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.9 FINANCIAL PERFORMANCE REPORT – IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE THIRD QUARTER 2021/22 AND LONG TERM FINANCIAL FORECAST UPDATE

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an overview of the Council’s financial position against the budget as at the end of December 2021 and to present an updated long term forecast.

EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long term forecast.
- Therefore the report is split over two distinct sections as follows:
 - 1) *The Council’s in-year financial position against the budget at the end of December 2021***
 - 2) *An updated long term financial forecast***

In respect of the in-year financial position at the end of December 2021:

- The position to the end of December 2021, as set out in more detail within the appendices, shows that overall the General Fund Revenue Account is underspent against the profiled budget by **£8.044m** (after excluding variances against COVID 19 grant supported activities, such as business grants, this position is revised to a net overspend of **£4.243m**). It is acknowledged that other expenditure or income trends may still be developing / emerging with the position also largely reflecting the timing of other general expenditure and/or income budgets. However, any significant issues arising to date have been highlighted and comments provided as necessary.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are other no major issues that have been identified to date.
- Any emerging issues will be monitored and updates provided in future reports, which will include their consideration as part of updating the long term financial forecast.

- Some necessary changes to the 2021/22 budget have been identified which are set out in **Appendix H**, with an associated recommendation also included within this report.
- The net impact of the budget adjustments will be moved to or from the Forecast Risk Fund. At the end of the third quarter, it has been possible to make an additional contribution to the fund of **£123k**, which supports the requirement set out in the long term forecast of identifying in-year savings of **£500k** each year, where possible.

In respect of the updated long term financial forecast:

- A summary of the most up to date position for 2022/23 was considered by Full Council on 15 February 2022 as part of agreeing the detailed budget.
- There have been no changes made to the forecast position mentioned above, but for completeness, a summary is set out further on in this report.
- The identification of on-going savings remain an important element of the long-term financial plan. The developing zero based framework in which to identify the required level of savings forms part of the key priority actions set out in the Council's Corporate Plan.
- As mentioned previously, it is important to continue to deliver against the longer-term approach to the budget as it continues to provide a credible alternative to the more traditional short-term approach, which would require significant additional savings to be identified much earlier in the financial cycle.

RECOMMENDATION(S)

That in respect of the financial performance against the budget at the end of December 2021, it is recommended that:

- (a) The position be noted;**
- (b) the proposed in-year adjustments to the budget as set out in Appendix H be agreed;**

That in respect of the Updated Long Term Forecast it is recommended that:

- (a) The latest position is noted and the Resources and Service Overview and Scrutiny Committee be consulted on the most up to date position.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the long term approach being

taken seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are considered in the body of the report.

Risk

In respect of the position at the end of December 2021, a number of variances will be subject to change as the year progresses although at this stage it is expected that any adverse position can be accommodated within the overall budget with direct management action. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements and Financial Strategy Processes.

In respect of the long term forecast, there are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. There are a number of areas that could lead to additional expenditure being incurred, such as: -

- Economic environment / instability;
- Emergence of cost pressures;
- Changes to the local authority funding mechanisms such as the Government's fairer funding review;
- New legislation placing unfunded duties on the Council or reducing the level of the Council's funding;
- Local or national emergency;
- Income is less than that budgeted for, including business rate income retained locally.

COVID 19 continues to have an on-going impact on the Council's financial position, which cuts across many of the specific issues highlighted above. The underlying forecast remains based on relatively conservative estimates with no optimistic bias included

The Council's ability to financially underwrite the forecast therefore remains as important as ever. As with any forecast, some elements of income and expenditure will be different to that forecasted. It is fair to say that many may offset each other over the longer term. However, there are two important aspects to how this will be managed.

- 1) **£3.753m** has already been set aside within the Forecast Risk Fund to support the budget in future years. This money is available to be drawn down if the timings within the forecast differ in reality and the net position is unfavourable compared to the forecast in any one year. The 2021/22 and 2022/23 budgets are also based on calling down **£1.048m** and **£0.431m** from this reserve respectively during each of those years. As discussed previously, given the increased risks introduced by the COVID 19 crisis, this current reserve level should not be seen as too pessimistic as the sensitivity testing undertaken indicates that this reserve could be depleted in as little as 3 years if some of the risks are borne out in reality.
- 2) The forecast will remain 'live' and be responsive to changing circumstances and it will continue to be revised on an on-going basis. If unfavourable issues arise, that cannot be mitigated via other changes within the forecast, then the forecast will be adjusted and mitigating actions taken. Actions to respond will therefore need to be considered but can be taken over a longer time period where possible. In such circumstance the

Council may need to consider 'topping' up the funding mentioned in 1) above over the life of the forecast if required. This may impact on the ability to invest money elsewhere but will need to demonstrate that its use is sustainable in the context of the ten year forecast.

The long term approach to the forecast does provide flexibility to respond to risks such as those presented by COVID 19. For instance, the savings target was 'relaxed' for 2021/22. However it must be highlighted that the savings targets set out in the forecast will still need to be delivered in the longer term but they need to remain flexible and react as a counterbalance to other emerging issues and it is therefore accepted that this figure may need to be revised up or down over the life of the forecast.

It is important to continue to deliver against the forecast to retain confidence in the longer term approach. This will, therefore, continue to need robust input from members and officers where decisions may be required in the short term or on a cash flow basis.

Another aspect to this approach is the ability to 'flex' the delivery of services rather than cut services. As would be the case with our own personal finances, if we cannot afford something this year because of a change in our income, we can potentially put it off until next year. There is a practical sense behind this approach as we could flex the delivery of a service one year but increase it again when the forecast allows.

In addition to the above, it is important to note that the Council has already prudently set aside money for significant risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which supports its core financial position.

LEGAL

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. These arrangements mean that there are lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council as part of the budget process on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

OTHER IMPLICATIONS

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

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

There are no other implications that significantly impact on the financial forecast. However, the ability of the Council to appropriately address these issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver the necessary savings.

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER OF 2021/22

The Council's financial position against the approved budget has been prepared for the period ending 31 December 2021.

Although some expenditure or income trends may still be developing / emerging, comments are provided below where necessary, against the following key areas:

- General Fund Revenue and Proposed Changes to the in-year budget
- Collection Performance
- HRA Revenue
- Capital Programme – General Fund
- Capital Programme - HRA
- Treasury Activity

GENERAL FUND REVENUE

The position to the end of December 2021, as set out in more detail in the Executive Summary attached, shows that there is an overall net underspend of **£8.044m** (after excluding variances against COVID 19 grant supported activities, such as business grants, this position is revised to a net overspend of **£4.243m**).

As set out in the appendices, elements of this variance are due to the timing of expenditure and income or where commitments / decisions have yet to be made, the most significant of which relates to the administration of the various COVID 19 Business Support grants where a full reconciliation process will be finalised as part of the outturn for year.

Appendix B provides a more detailed narrative against significant issues or variances.

Expenditure Budgets

- At the end of Q2, the risk of potential increases in homelessness costs was identified. However, as included within **Appendix H**, the Government have continued to provide valuable financial help to support the demand on this service.

Therefore at the present time, it is expected that the position can be managed within the existing homelessness budget, which is supported by the grant fund mentioned

above, rather than having to draw down money from the general COVID 19 grant that is discussed in more detail further on in this report.

- The necessary use of agency staff continues within Planning with an associated adjustment set out within **Appendix H**. A restructuring process is underway within the service, which aims to limit the use of agency staff going into 2022/23.

Income Budgets

- As highlighted within previous financial performance / budget reports, the continuing operational difficulties experienced at the crematorium during 2021/22 have resulted in significant reductions in income.

Although this can be partly offset by reduced expenditure at the crematorium, in areas such as utility costs, the likely net impact on the 2021/22 budget could be as high as **£0.750m** to **£0.800m** by the end of the financial year. This position will continue into 2022/23 given the current expected replacement cremators not becoming operational until the second quarter of the year. There is a key focus on finalising the associated procurement process to shorten the build, installation and commissioning process wherever possible.

As set out within the Q2 report, as part of a managed intervention, departments have been asked to identify one-off savings in 2021/22 to help offset the net impact expected. Although no formal adjustments have been included within **Appendix H**, there are now a number of emerging favourable variances to help achieve this, with some examples below:

- Parking income is currently ahead of the profile by **£0.160m**.
- Un-ringfenced external grant income of **£0.045m** has been received during the year. This is likely to increase as further New Burdens funding is expected to be received from the Government before the end of the financial year.

Although subject to use of the general COVID grant money receivable from the Government set out later on in this report, there is likely to be a favourable overall outturn position for the year, which will include items over and above those set out above – especially as departments are still being asked to identify one-off savings and, for example, the aggregate value of small underspends has over recent years supported a favourable year end position.

In addition to the actions above, the level of carry forwards can also be reviewed as part of finalising the outturn for 2021/22 to support the overall position for the year. This approach is expected to be possible by re-programming / rescheduling associated activities, to limit any consequential impacts.

OTHER EMERGING ISSUES / USE OF COVID FUNDING

Activities are continuing against a number of COVID 19 related schemes and initiatives, not least the administration of the recently announced additional business support grants. These budgets will be reviewed as part of the year end reconciliation processes with variances to date primarily reflecting the timing of income and associated expenditure.

However, as highlighted within the Q2 financial performance report, the Government did provide a number of un-ringfenced / general COVID 19 support grants. To date expenditure against these budgets that total **£2.276m** are summarised as follows:

- **£0.277m** allocated as part of the 2020/21 Outturn Report, which included the summertime plan and additional bins, bin emptying and grounds maintenance activities.
- **£0.083m** agreed by Cabinet on 8 October to 'extend' the waiving of rents as part of the CAROS scheme until the end of March 2022.
- **£0.047m** agreed by the Portfolio Holder for Corporate Finance and Governance to support the repairs to the treadwheel crane in Harwich, which 'levered' in a significant contribution from Historic England.
- **£0.765m** allocated as part of the Q2 report, which primarily reflected the reduction in income from leisure centres this year.

After taking the above into account, **£1.104m** remains available to support other / related areas of the budget.

Although not included within **Appendix H** as formal adjustments at this stage, the following have been identified as areas of the budget that can be supported by this available funding:

- Reduction in income of potentially **£0.300m** to **£0.400m** from the Council Tax Sharing Agreement with the major preceptors, given the recovery of amounts due are likely to extend into 2022 and beyond.
- The reduction in court cost income associated with the recovery of council tax highlighted above, especially as the court system is slowly returning to business as usual following the pandemic. The reduction in income could be as high as **£0.300m** by the end of the financial year.
- The net adverse position against leisure centres at the end of December 2021, totals **£0.143m**. Although this is after allowing for the **£0.750m** included within the **£0.765m** allocated from the general COVID 19 grant at the end of Q2, the year end position may be over and above this amount even after taking into account the additional support from the Government in the form of the sales, fees and charges compensation scheme.

Repeating a point from earlier in this report, at the end of the last quarter, potential additional homelessness costs were also raised as a potential 'call' on this funding. However, following receipt of additional financial support from the government as set out within **Appendix H**, this risk is now receding.

Based on the risks identified above, it would be prudent to continue to retain the unspent COVID 19 'pot' of **£1.104m** to support such unavoidable and on-going impacts from the pandemic that are likely to remain when the outturn position is finalised for the year. The position will therefore remain under review over the last quarter of the year.

Appendix H sets out other proposed budget adjustments that respond to a number of emerging issues at the end of Q3.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

As mentioned at the end of Q2, there is undoubtedly an on-going impact from COVID 19 on collection performance. However, the second half of the year continues to see on-going improvement with any necessary recovery action taken over the last quarter of the year and

into 2022/23, with the aim of maximising the level of collection performance wherever possible.

HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**. At the end of December 2021, the HRA is showing a net overspend of **£0.059m**, which primarily reflects dwelling rental income being behind profile by **£0.111m**.

However as highlighted earlier in the year, a number of activities have been on-going with the aim of reducing the overall void rate closer to the historic level of 2%.

The position reported at the end of Q2 was a void rate of 6% compared with the budgeted rate of 4%. The table below sets out the latest position at the end of Q3:

	Weeks Void	Void Rate	Comments
Sheltered Accommodation	1,651	16%	Reduced from 18% as at the end of Q2
Long Term Voids (more than 180 days)	2,660	4% (of total stock rather than an absolute void rate)	118 properties were void as at the 1 April 2021, which has reduced to 15 at the end of December 2021.
All other properties	1,694	2%	Continues in-line with the historic rate of 2%
Totals	6,005	5%	Reduced from 6% as at the end of Q2.

As set out in the table above, the overall void rate has reduced from 6% to 5% at the end of December 2021. However, there remains a continued emphasis on reducing the void rate within sheltered blocks along with maintaining a low level of long term empty voids, which should support a stronger 'base' position going into 2022/23.

In addition to the actual reduction in income due to voids, the cost of paying council tax whilst the properties are empty remains ahead of the profiled budget – the cost is currently ahead of the profile by **£0.091m**. This will be kept under on-going review during Q4, with the aim of looking to accommodate the increase within the overall HRA budget for the year.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix D**.

As at the end of December 2021, the programme is broadly on target against the profiled position or after taking account of the proposed adjustments set out within **Appendix H**. Detailed comments are provided within the appendix against a number of schemes.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

The overall position is set out in **Appendix D**.

As at the end of December 2021 the programme is behind profile by **£0.169m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. There are no specific issues to highlight at this stage and the expectation is that expenditure / commitments will be broadly in line with the budget over the course of the year as work is progressed and procurement processes completed.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

During Q3, the Treasury Management limit of **£1.000m** that can be held in total across the Council's various current accounts on any one day was exceeded. On 17 December 2021 a total of **£2.213m** was held across the various current accounts.

This happened due to a serious cybersecurity attack on the Council, meaning that the treasury officers were unable to access the systems necessary to move **£1.300m** across to the call accounts. The Council successfully dealt with the cyber security issue, but for a very limited period, the treasury limit set out above was exceeded.

The treasury risk was extremely low as the Council can hold a total of **£4.000m** across the various current and call accounts it holds with Lloyds Bank. The total held by Lloyds Bank on the day in question was **£2.404m**, which was significantly less than the total limit set out above, albeit **£2.213m** was held in the current accounts rather than the call accounts - the overall counterparty risk was therefore no different to that if the necessary transaction had taken place as planned on 17 December.

SECTION 2 – UPDATED LONG TERM FORECAST

The detailed budget for 2022/23, which was based on the most up to date financial forecast, was considered and agreed by Full Council on 15 February 2022. The report considered by Full Council also included a summary of the forecast up until 2026/27.

Although the development of the forecast will continue in 2022/23, there have been no changes since the meeting of Full Council mentioned above. However, for completeness, a summary of the most up to date forecast in terms of the estimated annual position along with the estimated surplus of the forecast risk fund is set out in the following table:

Year	Net Budget Position (including adjusting for prior year use of reserves to balance the budget)	Forecast Risk Fund - Estimated Surplus Balance at the end of the year
2023/24	£1.348m deficit	£2.425m
2024/25	£1.312m deficit	£1.613m
2025/26	£1.205m deficit	£0.908m
2026/27	£1.103m deficit	£0.306m

Although the figures set out within the table above will change as part of updating the forecast on a regular basis during 2022/23, there have been no issues arising that indicate that the long term approach has become unsustainable. Against this background and as discussed previously, it may not be possible to avoid or mitigate adverse issues, such as cost pressures, over the remaining years of the forecast. However, the level of savings required will need to continue to act as the 'safety valve' with the overall position being subject to further updates as part of reporting the quarterly position going forward.

The identification of on-going savings remains as an essential element of the long term financial plan, although it will be important to take a pragmatic and balanced view as it is recognised that there will be growth in council tax and business rates over time that could exceed current forecasts.

In addition to the above, 2022/23 also sees the continued development of a zero based approach to support the long term financial plan.

The next updated forecast will be presented to Members at the end of the first quarter of 2022/23. However if anything significant emerges before then, the position will be reported to Members accordingly.

Delivering a favourable Outturn Position

As previously highlighted, the Forecast Risk Fund continues to rely on in-year outturn contributions of **£0.500m** per annum to support the overall balance on the reserve, which in turn underwrites the various risks to the forecast.

In respect of 2021/22 to date, net contributions to the Forecast Risk Fund total **£0.163m**, made up of:

- **£0.040m** contribution to the fund as reported at the end of Q2.
- **£0.123m** proposed contribution to the fund at the end of Q3 as set out in **Appendix H**.

The shortfall to date in 2021/22 of **£0.337m** remains subject to the outturn position for the year, where it may be possible to identify the required net underspends to fully meet the **£0.500m** planned contribution to this reserve. If not, then the final position for the year will need to be reflected in the revised forecast going into 2023/24 and beyond.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

RELATING TO SECTION 1 OF THE REPORT

Front Cover and Executive Summary

Appendix A – Summary by Portfolio / Committee

Appendix B – General Fund Budget Position by Department

Appendix C – Housing Revenue Account Budget Position

Appendix D – Capital Programme

Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts

Appendix F – Treasury Activity

Appendix G – Income from S106 Agreements

Appendix H – Proposed Adjustments to the In-Year Budget

Tendring District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance
Appendix F	Treasury activity.
Appendix G	Income from S106 Agreements.
Appendix H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

December 2021

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of December 2021

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(27,174,980)	(4,991,348)	(13,551,438)	(8,560,090)
Operations and Delivery	12,412,980	6,431,029	6,668,883	237,854
Place and Economy	14,762,000	3,087,367	3,365,850	278,483
Total General Fund	0	4,527,048	(3,516,705)	(8,043,753)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(6,256,019)	(6,196,800)	59,219

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	16,480,850	2,916,160	2,914,757	(1,403)
Housing Revenue Account	10,841,280	2,493,349	2,324,719	(168,631)
Total Capital	27,322,130	5,409,509	5,239,475	(170,034)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	78.88%
Business Rates	72.33%
Housing Rents	96.58%
General Debt	87.94%

Treasury

	£'000
Total External Borrowing	37,216
Total Investments	79,195

Revenue Budget Position at the end of December 2021

General Fund Portfolio / Committee Summary

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £
Leader	4,506,020	785,545	891,772	106,227
Corporate Finance and Governance	1,071,590	(992,638)	(13,064,529)	(12,071,891)
Environment and Public Space	7,822,900	3,564,527	3,943,415	378,888
Housing	3,862,600	3,883,440	7,290,793	3,407,353
Partnerships	1,753,650	693,205	498,716	(194,489)
Business and Economic Growth	6,223,270	778,043	791,380	13,337
Leisure and Tourism	6,974,870	2,190,745	2,307,261	116,516
Budgets Relating to Non Executive Functions	759,140	348,720	545,136	196,416
	32,974,040	11,251,588	3,203,943	(8,047,644)
Revenue Support for Capital Investment	6,738,830	0	0	0
Financing Items	(4,414,950)	(172,208)	(168,311)	3,896
Budget Before use of Reserves	35,297,920	11,079,380	3,035,632	(8,043,748)
Contribution to / (from) earmarked reserves	(27,681,390)	0	0	0
Total Net Budget	7,616,530	11,079,380	3,035,632	(8,043,748)
Funding:				
Business Rates Income	(4,598,900)	(4,610,059)	(4,610,066)	(7)
Revenue Support Grant	(431,170)	(293,194)	(293,192)	2
Collection Fund Surplus	6,017,640	4,814,112	4,814,112	0
Income from Council Tax Payers	(8,604,100)	(6,463,191)	(6,463,191)	0
Total	0	4,527,048	(3,516,705)	(8,043,753)

Revenue Budget Position at the end of December 2021

HRA Portfolio Summary

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £
Housing	(1,909,950)	(6,256,019)	(6,196,800)	59,219
	(1,909,950)	(6,256,019)	(6,196,800)	59,219
Revenue Support for Capital Investment	280,820	0	0	0
Financing Items	1,751,530	0	0	0
Budget Before use of Reserves	122,400	(6,256,019)	(6,196,800)	59,219
Contribution to / (from) earmarked reserves	(122,400)	0	0	0
Total	0	(6,256,019)	(6,196,800)	59,219

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2021

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	10,244,070	5,495,556	5,544,944	49,388	
Premises Related Expenditure	361,210	263,237	159,036	(104,201)	
Transport Related Expenditure	105,540	92,245	110,103	17,858	
Supplies & Services	33,833,880	26,477,537	14,399,635	(12,077,902)	
Third Party Payments	67,790	0	0	0	
Transfer Payments	46,640,120	29,942,302	25,565,853	(4,376,450)	
Interest Payments	17,800	10,184	3,658	(6,525)	
Total Direct Expenditure	91,270,410	62,281,062	45,783,229	(16,497,833)	
Direct Income					
Government Grants	(76,079,870)	(57,609,280)	(49,896,957)	7,712,323	
Other Grants, Reimbursements and Contributions	(2,099,690)	(1,858,673)	(1,626,613)	232,060	
Sales, Fees and Charges	(1,290,300)	(865,684)	(846,948)	18,736	
Rents Receivable	(650)	(522)	(44,814)	(44,292)	
Interest Receivable	(419,050)	(361,287)	(339,680)	21,607	
RSG, Business Rates and Council Tax	(7,616,530)	(6,552,332)	(6,552,337)	(5)	
Total Direct Income	(87,506,090)	(67,247,778)	(59,307,349)	7,940,429	
Net Direct Costs	3,764,320	(4,966,716)	(13,524,120)	(8,557,404)	
Net Indirect Costs	(3,257,910)	(24,632)	(27,318)	(2,686)	
Net Contribution to/(from) Reserves	(27,681,390)	0	0	0	
Total for Chief Executive, Finance, IT and Governance	(27,174,980)	(4,991,348)	(13,551,438)	(8,560,090)	

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	5,540	166,207	192,931	26,724	
Total for Finance and IT Management and Administration	0	70,343	74,031	3,688	
Total for Finance	222,660	806,169	845,895	39,726	
Total for Finance - Other Corporate Costs	217,800	(5,281,676)	(17,051,769)	(11,770,094)	The position at the end of Q3 primarily reflects the various COVID 19 Grants where a full reconciliation will be finalised as part of the outturn position for the year.
Total for Finance - Financing Items	(25,837,920)	174,651	162,511	(12,140)	
Total for Finance - RSG, Business Rates and Council Tax	(7,616,530)	(6,552,332)	(6,552,337)	(5)	
Total for Revenues and Benefits	2,005,050	1,430,960	4,381,441	2,950,481	As in previous quarters, the position primarily reflects the timing difference between the payment of housing benefits and the associated reimbursement via the Government subsidy process.
Total for IT, Emergency Planning and Business Continuity	177,250	1,292,448	1,217,802	(74,646)	

Appendix B

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Total for Governance Management and Administration	3,750	76,687	78,491	1,803	
Total for Legal	14,160	207,222	203,846	(3,376)	
Total for Democratic Services	1,408,660	797,830	1,128,741	330,911	The reflects the cost of the ECC and PFCC elections back in May where the reimbursement of the costs incurred is due to be received in the last quarter of 2021/22.
Total for Partnerships Management and Administration	26,000	62,010	69,513	7,503	
Total for HR and OD	254,840	506,796	404,129	(102,667)	The position primarily reflects the timing of expenditure against corporate training budgets along with Career Track income falling behind the profiled budget by £29k, which will be reviewed as part of the final outturn position for the year.
Total for Community Partnerships	1,268,430	302,135	302,020	(115)	
Total for Communications	210	56,700	57,396	696	
Total for Customer and Commercial	675,120	892,501	933,921	41,420	
Total for Chief Executive, Finance, IT and Governance	(27,174,980)	(4,991,348)	(13,551,438)	(8,560,090)	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2021

Department - Operations and Delivery

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	6,464,840	4,685,960	4,826,979	141,019	
Premises Related Expenditure	2,433,470	1,714,890	1,623,966	(90,924)	
Transport Related Expenditure	546,860	359,845	433,140	73,296	
Supplies & Services	2,586,995	1,608,864	1,999,402	390,538	
Third Party Payments	5,248,180	3,060,369	3,239,761	179,392	
Transfer Payments	191,340	245,145	289,224	44,079	
Total Direct Expenditure	17,471,685	11,675,072	12,412,472	737,400	
Direct Income					
Government Grants	(918,030)	(815,940)	(871,397)	(55,457)	
Other Grants, Reimbursements and Contributions	(1,564,885)	(886,319)	(1,007,861)	(121,542)	
Sales, Fees and Charges	(3,441,470)	(2,642,841)	(2,683,361)	(40,521)	
Rents Receivable	(157,560)	(116,314)	(158,220)	(41,907)	
Direct Internal Income	(1,075,090)	(765,950)	(1,022,749)	(256,799)	
Total Direct Income	(7,157,035)	(5,227,363)	(5,743,589)	(516,225)	
Net Direct Costs	10,314,650	6,447,709	6,668,883	221,174	
Net Indirect Costs	2,098,330	(16,680)	0	16,680	
Total for Operations and Delivery	12,412,980	6,431,029	6,668,883	237,854	

Department - Operations and Delivery

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	10,000	222,250	216,345	(5,905)	
Total for Building and Public Realm Management and Administration	0	52,808	60,384	7,577	
Total for Building and Surveyors	(7,410)	986,662	972,982	(13,680)	
Total for Engineering	2,904,240	697,508	627,437	(70,070)	
Total for Public Realm	2,313,870	627,828	1,111,523	483,695	The position at the end of Q3 primarily reflects the reduction in crematorium income. This is being partly offset by increased parking income - please see the main body of the report for further details.
Total for Waste Management	4,560,050	2,337,272	2,324,749	(12,523)	
Total for Assets	201,250	280,403	268,749	(11,654)	
Total for Housing and Environment Management and Administration	3,750	107,205	106,579	(626)	
Total for Housing and Homelessness	1,241,800	518,048	496,159	(21,889)	
Total for Environment Health Services	1,185,430	601,045	483,976	(117,069)	This reflects the timing of income / expenditure against various projects that are being delivered with our external partners
Total for Operations and Delivery	12,412,980	6,431,029	6,668,883	237,854	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2021

Department - Place and Economy

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	5,342,170	3,887,902	3,916,129	28,226	
Premises Related Expenditure	1,255,560	916,830	1,108,020	191,189	
Transport Related Expenditure	45,210	33,868	17,866	(16,002)	
Supplies & Services	11,243,380	3,392,158	3,095,626	(296,533)	
Third Party Payments	45,870	45,000	53,131	8,131	
Total Direct Expenditure	17,932,190	8,275,759	8,190,771	(84,989)	
Direct Income					
Government Grants	(142,500)	(142,500)	(164,086)	(21,586)	
Other Grants, Reimbursements and Contributions	(1,075,900)	(938,633)	(969,102)	(30,469)	
Sales, Fees and Charges	(4,576,480)	(3,781,599)	(3,324,309)	457,290	
Rents Receivable	(369,960)	(325,660)	(367,423)	(41,763)	
Total Direct Income	(6,164,840)	(5,188,392)	(4,824,920)	363,472	
Net Direct Costs	11,767,350	3,087,367	3,365,850	278,483	
Net Indirect Costs	2,994,650	0	0	0	
Total for Place and Economy	14,762,000	3,087,367	3,365,850	278,483	

Department - Place and Economy

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	628,910	124,005	62,826	(61,179)	
Total for Planning Management and Administration	0	62,010	66,838	4,828	
Total for Development	1,326,490	452,768	579,926	127,158	Similarly to previous quarters, please see Appendix H for proposed adjustments relating to the cost of agency staff that is planned to be met from salary savings and the use of the 20% increase in planning fee budget, which is a interim response whilst an associated restructure is finalised.
Total for Enforcement	459,290	11,438	22,754	11,317	
Total for Building Control	230,770	9,242	40,111	30,868	Please see above Development comment which also applies to this area of the budget.
Total for Economic Growth and Leisure Management and Administration	0	62,010	66,008	3,998	
Total for Economic Growth	4,637,980	1,093,643	1,061,264	(32,379)	
Total for Sport, Leisure, Tourism, Heritage and Culture	4,053,510	1,296,724	1,538,694	241,970	This primarily reflects the position against Leisure Facilities Income - please see main body of the report for further information.

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Total for Local Plan and Place Shaping Management and Administration	0	60,712	72,100	11,388	
Total for Strategic Planning	1,055,590	29,752	(30,587)	(60,339)	
Total for Place	2,369,460	(114,938)	(114,085)	853	
Total for Place and Economy	14,762,000	3,087,367	3,365,850	278,483	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of December 2021

Housing Revenue Account

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	1,208,340	565,822	519,837	(45,985)	
Premises Related Expenditure	3,626,410	2,464,031	2,512,210	48,179	
Transport Related Expenditure	23,870	17,902	10,232	(7,671)	
Supplies & Services	472,910	294,794	278,411	(16,383)	
Third Party Payments	1,030	773	500	(273)	
Transfer Payments	17,000	12,750	15,703	2,953	
Interest Payments	1,322,220	617,705	612,374	(5,331)	
Total Direct Expenditure	6,671,780	3,973,777	3,949,266	(24,511)	
Direct Income					
Other Grants, Reimbursements and Contributions	(8,440)	(330)	(3,941)	(3,611)	
Sales, Fees and Charges	(566,040)	(380,570)	(374,548)	6,021	
Rents Receivable	(13,101,800)	(9,848,897)	(9,767,577)	81,319	
Interest Receivable	(13,350)	0	0	0	
Total Direct Income	(13,689,630)	(10,229,796)	(10,146,067)	83,729	
Net Direct Costs	(7,017,850)	(6,256,019)	(6,196,800)	59,219	
Net Indirect Costs	7,140,250	0	0	0	
Net Contribution to/(from) Reserves	(122,400)	0	0	0	
Total for HRA	0	(6,256,019)	(6,196,800)	59,219	

Housing Revenue Account

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	2,032,350	0	0	0	
Total for Housing and Homelessness	(1,969,840)	(6,211,759)	(6,152,540)	59,219	This variance broadly reflects the most up to date position against the rental income budget due to voids along with the cost of council tax on empty properties - please see the main body of the report for further information.
Total for Customer and Commercial	(62,510)	(44,260)	(44,260)	(0)	
Total for HRA	0	(6,256,019)	(6,196,800)	59,219	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of December 2021

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Expenditure					
Business and Economic Growth Portfolio					
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	1,257,510	58,890	68,006	9,116	
Total for Business and Economic Growth Portfolio	1,300,760	58,890	68,006	9,116	
Corporate Finance and Governance Portfolio					
Information and Communications Technology Core Infrastructure	129,140	78,075	78,074	(1)	
Agresso e-procurement	84,000	0	0	0	The Service is reviewing options of how this project can be progressed along with the associated resourcing requirement.
Enhanced Equipment replacement - Printing and Scanning	6,210	0	0	0	

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Office Rationalisation	119,060	119,060	213,942	94,882	Physical work on office buildings is complete, with redecoration of main corridors to be completed early 2022. Progress of works at the Town hall were affected by the discovery of a number of roofing issues and the need to rewire the building instead of the alteration works budgeted for. Please see Appendix H for associated budget adjustment to meet the costs of these additional works.
Treadwheel Crane	186,790	53,730	53,726	(4)	The project is progressing in accordance with the works schedule, with the first phase of works completed and the second phase due to start in early 2022.
Carnarvon House Demolition	80,000	0	0	0	
Total for Corporate Finance and Governance Portfolio	605,200	250,865	345,743	94,878	
Environment and Public Space Portfolio					
Cranleigh Close, Clacton, landscaping works	640	0	0	0	
Environmental Health Database Migration	5,250	0	0	0	
Laying Out Cemetery	150,250	7,720	7,720	0	Initial site surveys have been completed, with planning permissions now being considered.
Bath House Meadow Security Measures	5,570	0	0	0	

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Clacton Multi-Storey car park repairs	180,000	180,000	136,839	(43,161)	Works completed. Please see Appendix H for an associated adjustment that supports the Office Transformation budget above.
Public Convenience Works	40,000	0	0	0	Works planned for Mill Lane & Old Naze sites.
Works at Halstead Road Play Area, Kirby	5,150	0	0	0	Final landscaping works to be completed during remainder of 2021/22.
Weeley Crematorium Works	1,539,140	0	0	0	The associated procurement work remains in progress.
Purchase of Hot Wash Street Cleaner	35,000	35,000	35,000	0	
Total for Environment and Public Space Portfolio	1,961,000	222,720	179,559	(43,161)	
Housing Portfolio					
Replacement of High Volume Printers	29,000	0	0	0	
Careline - Replacement Telephone System	14,240	0	(0)	(0)	
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	404,730	0	(13,613)	(13,613)	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	71,792	0	(71,792)	
Disabled Facilities Grants	7,873,420	292,402	292,594	191	
Financial Assistance Grants	125,650	125,650	125,647	(3)	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	

	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Total for Housing Portfolio	8,974,090	489,845	404,627	(85,217)	
Leisure and Tourism Portfolio					
Town Centre Fountain	159,080	0	0	0	
CLC - Spa and Wetside Re-development	592,230	592,230	595,215	2,985	Although the Service is still in discussions with the contractor, final scheme costs are expected to exceed the budget by up to £30k. This will be reviewed during quarter 4 and revisited as part of the overall capital financing position agreed within the overall outturn position for the year.
Walton Leisure Centre - Replacement Boilers	44,180	44,180	44,176	(4)	
CLC - Replacement of All Weather Pitch	668,750	1,020	1,020	0	
New Beach Huts	64,600	0	0	0	
Clacton/Holland Cliff Stabilisation	2,110,960	1,256,410	1,276,410	20,000	The project has encountered a number of challenges with site conditions, resulting in a currently forecast overspend of around £20k however this will be reviewed over the remaining life of the project to explore opportunities to offset this position wherever possible.
Total for Leisure and Tourism Portfolio	3,639,800	1,893,840	1,916,821	22,981	
Total Approved General Fund Capital	16,480,850	2,916,160	2,914,757	(1,403)	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of December 2021

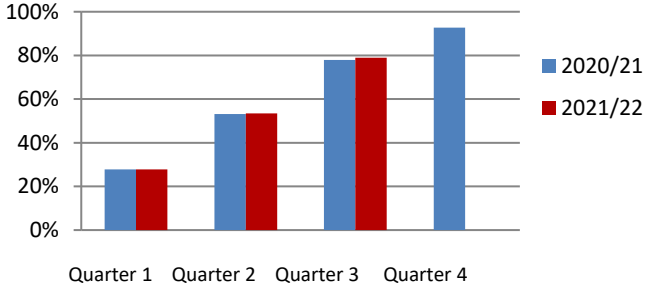
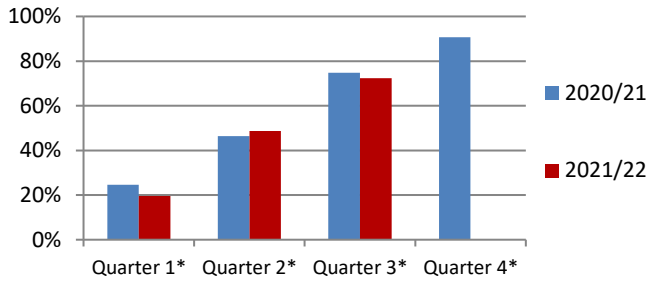
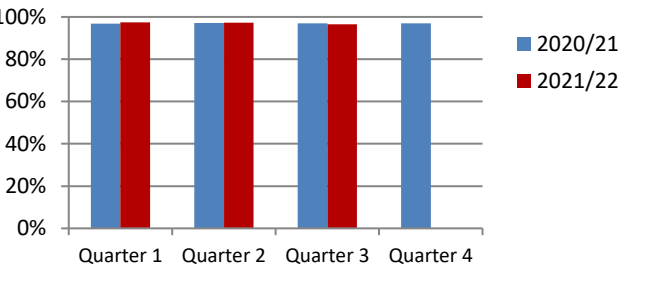
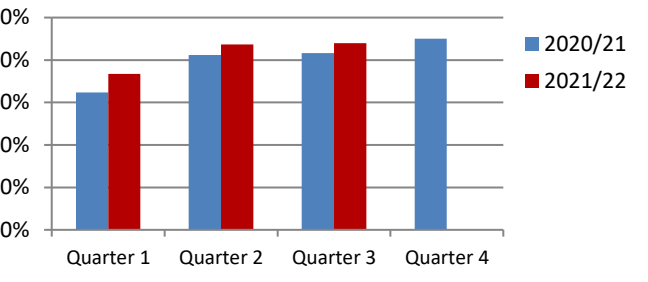
	2021/22 Current Full Year Budget £	2021/22 Profiled Budget to date £	2021/22 Actual to date £	2021/22 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	3,477,200	1,802,270	1,703,555	(98,715)	
IT Upgrade & Replacement	20,000	0	375	375	
Disabled Adaptations	400,000	281,115	210,820	(70,295)	
Cash Incentive Scheme	60,000	0	0	0	
Jaywick Sands - Flexible Workspace Project	4,407,000	209,504	209,504	0	
HRA - New Build & Acquisitions - To Be Allocated	958,680	0	0	0	
HRA - Acquisitions - Council Dwellings	1,333,400	185,400	185,402	2	
HRA - Acquisitions - Non-Dwellings	185,000	15,060	15,063	3	
Total Housing Revenue Account Capital Programme	10,841,280	2,493,349	2,324,719	(168,631)	

New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet MHCLG Target within:				
	1 Year £	2 Years £	3 Years £	4 Years £	5+ Years £
30% Capital Receipts	0	0	59,234	207,930	92,834
70% TDC Funded	0	0	138,212	485,171	216,614
Cumulative Expenditure	0	0	197,446	693,101	309,448

Collection Performance : Position at the end of December 2021

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates		
					
	2020/21	2021/22		2020/21	2021/22
Quarter 1	27.79%	27.82%	Quarter 1*	24.55%	19.64%
Quarter 2	53.20%	53.45%	Quarter 2*	46.37%	48.69%
Quarter 3	77.96%	78.88%	Quarter 3*	74.79%	72.33%
Quarter 4	92.66%		Quarter 4*	90.66%	
Housing Rents			General Debt		
					
	2020/21	2021/22		2020/21	2021/22
Quarter 1	96.78%	97.50%	Quarter 1	64.75%	73.40%
Quarter 2	97.17%	97.25%	Quarter 2	82.35%	87.38%
Quarter 3	96.95%	96.58%	Quarter 3	83.30%	87.94%
Quarter 4	97.00%		Quarter 4	90.00%	

* these percentages have been changed from previous quarters to capture just the underlying collection performance. This change seeks to aid the comparison from one period to the next as previous reports included the impact from the various COVID 19 related reliefs which have been subject to changes during the year.

Treasury Activity : Position at the end of December 2021

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	151	0	4	147	
Long Term PWLB Borrowing - HRA	38,441	0	1,372	37,069	
TOTAL BORROWING	38,592	0	1,376	37,216	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	65,600	696,000	702,800	58,800	Overall investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure. However, there has been a switch away from investments with other local authorities to investments with UK Financial Institutions as fewer local authorities have been borrowing.
Investments with UK financial Institutions (including Money Market Funds)	11,359	45,536	36,500	20,395	In respect of investments with UK financial institutions, at the end of the period, investments were held with 9 counterparties, including 2 Money Market Funds.
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	76,959	741,536	739,300	79,195	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	76,959	741,536	739,300	79,195	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	11	5	4	(1)	The weighted average rate of interest on the Council's GF borrowing is currently 7.18%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,322	618	612	(6)	The weighted average rate of interest on the Council's HRA borrowing is currently 3.51%. (on an accrued basis)
Interest Received on Investments	(67)	(53)	(31)	22	The weighted average rate of interest being received on the Council's investments is currently 0.05%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	75,355	38,592	Borrowing has remained within approved limits.		
Operational boundary for external borrowing	67,342				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2020/21 (including accrued interest as appropriate) £'000
GF Revenue Schemes	218
GF Capital Schemes	6
HRA Capital Schemes	591
TOTAL	815

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	0	2
Affordable Housing	0	0	0	1,167
Town Centre Improvements	0	0	22	22
Cycle Facilities	0	0	22	0
Habitat Protection	0	0	0	3
Open Space*	4	12	99	1,600
TOTAL	4	12	143	2,794

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows

£4,000 by August 2022

Proposed Adjustments to the Budget December 2021

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
GENERAL FUND REVENUE			
<i>The following items have no net impact on the overall budget</i>			
Seafront Works Undertaken by in-house Engineering Team	134,000		A number of seafront / beach hut jobs have been undertaken by the In-house Engineering Team during Q3, which are proposed to be funded from associated budgets.
Use of Beach Hut Seafront Investment Budget	(87,000)		
Use of Beach Hut income received in the year over and above the annual budget	(47,000)		
Planning Services/Building Control - Agency Staff	280,380		Use of vacancies and projects budget funded by 20% Planning Fee income to support short term temporary staff costs.
Planning Services/Building Control - Employee Expenses	(119,700)		
Planning Projects Budget	(160,680)		
Homelessness Prevention Grant		(163,750)	Additional Government support has been received during Q3 to support the various homelessness projects and initiatives.
Associated Homelessness Expenditure Budgets	163,750		
Essential Cyber Security Activities (including replacement of HR system and Internet / Intranet redesign, hosting and support)	190,000		A number of important IT improvement projects that have been identified as part of a collaborative / joint review with DLUHC are to be taken forward following the receipt of the associated Government grant. This includes planned upgrades to existing legacy systems that will become unsupported during the next financial year.
Grant income from DLUHC		(150,000)	
Income from IT Partnership Working with Neighbouring Local Authority		(40,000)	Additional income has been receivable during the year that can be used to support the above project.
Total General Fund Revenue with no net impact on the overall budget	353,750	(353,750)	

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
<i>The following items will be adjusted against the Forecast Risk Fund</i>			
Employee Costs	(100,000)		To reflect current vacancy savings accrued to date.
Temporary HR Support	25,000		Additional support has been identified in HR to support the delivery of a number of corporate activities.
Rent Review		(111,550)	Additional income is receivable in year following the annual rent review process.
New Committee Audio Visual Equipment	64,000		This relates to the recent Cabinet decision to purchase additional equipment to improve the audio and visual experience within the new committee room.
Contribution to the Forecast Risk Fund	122,550		
GENERAL FUND CAPITAL			
Schemes Reprofiled			
None			
Other Changes to General Fund Capital Programme			
Additional Office Transformation Costs	94,880		As set out within Appendix D, additional office transformation costs have been incurred. However this are proposed to be offset by utilising the saving against the car park project along with reprogramming a number of seafront works within the Operations and Delivery revenue budget.
Underspend against Clacton Multi-Storey Car Park Scheme	(43,160)		
Reductions to seafront revenue maintenance budgets	(51,720)		
Total General Fund Capital Adjustment - no net impact on the overall budget	0	0	
HRA REVENUE			
<i>The following items will be adjusted against the HRA General Balance</i>			
None			
HRA CAPITAL			
None			

CABINET

25 FEBRUARY 2022

REPORT OF THE MONITORING OFFICER

A.10 HOUSING OMBUDSMAN

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns omissions that the Housing Ombudsman has determined were serious maladministration.

On 14 December 2021, the Housing Ombudsman determined a complaint submitted to it in relation to the handling of repairs by the Council at one of its tenanted properties. The Housing Ombudsman also considered the Council's handling of the resident's complaint about those repairs and its record keeping about the repairs. The conclusion of the Housing Ombudsman in respect of the complaint was as follows:

1. Severe maladministration by the landlord regarding its handling of repairs to the resident's property.
2. Maladministration by the landlord regarding its handling of the resident's complaint about those repairs.
3. Service failure by the landlord regarding its record keeping about those repairs.

The property concerned is a Grade II listed building and was suffering a long-standing issue of water penetration through the roof. In part, the complaint relates to work undertaken by those contracted to undertake the repairs and that the repairs had not fully addressed the water penetration into the property. The complainant advised the Ombudsman that issues with the roof, and resultant damage inside the property, had been going on for over a year. Finding mutually convenient times for inspections to be undertaken did, again in part, add to the length of time taken by the Council to address these issues. Apologies had been issued for these matters and the sum of £100 was offered in recognition of the complainant's time and trouble in pursuing the matter. This was declined before then taking the matter to the Housing Ombudsman.

From the information provided to this Housing Ombudsman, it was apparent to the Ombudsman that the Council had attended the property on various occasions since the resident's initial repair reports. The Ombudsman did though state that the records did not provide a precise chronology regarding how it had handled the repairs and whether it had, at the time of the complaint, fully established the root cause of the issue. The records presented showed, in this specific case, considerable and unacceptable delays between investigation work being undertaken and repair works being commissioned and then the outcome of checks of the works undertaken.

In respect of the handling of the complaint, the Housing Ombudsman criticised the Service for not properly addressing the delays in the handling of the particular repairs, not acknowledging the impact the delay in the repairs was having on the tenant, a timeline to 'put the matter right' or to reference the requirements of the Council's own complaints process. The Council's subsequent and further corporate response to the complaint was also commented on although this was to suggest that the modest offer of £100 to the complainant was inadequate.

The Ombudsman ordered that an award of £2,110 be paid to complainant and this payment has been made. It also ordered a final inspection of the property with a letter to the

complainant setting out a plan of action to address the necessary works. This too has been undertaken and confirmation of this and the payment referred to has been provided to the Housing Ombudsman.

Further steps the Housing Ombudsman set out were:

- The Council should carry out a review of its findings and remedies set out in this report and draw up an action plan to improve its repairs service delivery. This review should be led by a suitably senior member of staff (Head of Service or equivalent).
- The Council should review the performance of the individual contractors used in this case and ensure that any performance related matters are raised via its contract management and monitoring processes.
- The Council should ensure that its overall contract management and monitoring of contractor performance is robust and that any lessons learned from its complaint investigations are fed back to the relevant parties.
- The Council should review its record keeping procedures in relation to repairs, taking into account the comments in this investigation report. It should ensure that it has robust record keeping arrangements in place which allow it to provide clear audit trails of all actions taken.
- The Council should share the Housing Ombudsman's Complaint Handling Code with all staff dealing with resident complaints and ensure they have had up to date training regarding best practice in responding to complaints.

In response to the above, the Corporate Director (Operations and Delivery) advises:

- The Assistant Director for Building and Public Realm has commenced a review of the repairs processes. A Senior Surveyor has been given specific responsibility for implementation of Oneserve, availability of data and for the operational level of service review. Further changes are likely as a result of the process.
- The term maintenance contractor at the initial stages of the matter has been wound up. The interregnum during the procurement of the replacement term contractor created a period of development with a number of external contractors involved in repairs. The new term maintenance contractor has been appointed and working relationships are improving. The Council's in house housing repairs team is also now established and building a reputation for prompt attendance, flexible response and customer satisfaction.
- The IT systems procured for the use of the team coupled with additional staff proposed for restructure (subject to decision and recruitment will supplement the outcome of the processes review.
- The Council has procured additional IT systems: auditor to record inspections including photographs videos and readings and Oneserve to retain and make available property data and to manage works. The auditor system is fully deployed and Oneserve is in the process of being fully applied following acquisition in December 2021.
- The Complaint Handling Code has been provided to the team leader and senior surveyors. Further training is being sourced at the time of writing.

Over at least the past ten years, this is the first report from the Housing Ombudsman to indicate there was maladministration by it in its role as a landlord.

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

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of the Local Government Act 1972.

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