

Public Document Pack

TENDRING DISTRICT COUNCIL

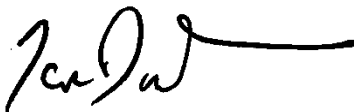
Committee Services
Room 33
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

21 March 2022

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 29 March 2022 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 29 March 2022

Prayers

1 Apologies for Absence

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

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

The Council is asked to approve, as a correct record, the minutes of the budget and council tax setting meeting of the Council held on Tuesday 15 February 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 Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 Statements by the Leader of the Council

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

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

7 Statements by Members of the Cabinet

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

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

8 Annual State of the Tendring District Statement by the Leader of the Council

The Council will receive the annual State of the Tendring District Statement from the Leader of the Council.

9 Petitions to Council

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

10 Questions Pursuant to Council Procedure Rule 10.1

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

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

11 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions (Pages 23 - 28)

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 15, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

12 Minutes of Committees (Pages 29 - 110)

The Council will receive the minutes of the following Committees:

- (a) Community Leadership Overview & Scrutiny of Monday 10 January 2022;
- (b) Resources and Services Overview & Scrutiny of Wednesday 12 January 2022;
- (c) Audit of Thursday 27 January 2022;
- (d) Community Leadership Overview & Scrutiny of Monday 31 January 2022;
- (e) Standards of Wednesday 2 February 2022;
- (f) Resources and Services Overview & Scrutiny of Monday 7 February 2022;
- (g) Human Resources & Council Tax of Thursday 24 February 2022; and
- (h) Tendring Colchester Border Garden Community Joint of Monday 28 February 2022.

NOTES:

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

13 Motion to Council Pursuant to Council Procedure Rule 12 - Russia's invasion of Ukraine (Pages 111 - 112)

Pursuant to the provisions of Council Procedure Rule 12, the Council will consider the following Motion, notice of which has been given by Councillor Neil Stock OBE:-

“Tendring District Council unreservedly condemns the unprovoked aggression of Russia in invading Ukraine and stands in solidarity with the Ukrainian people and supports the British Government in its diplomatic and economic measures against the Russian State.”

14 Reference from the Cabinet - A.2 - Freeport East Business Case (Pages 113 - 140)

To enable the Council to consider recommendations of the Cabinet in relation to the formal submission of the Business Case for Freeport East.

15 Joint Reference from the Cabinet and the Licensing & Registration Committee - A.3 - Adoption of Statement of Licensing Policy (Gambling Act 2005) (Pages 141 - 180)

To enable the Council to consider joint recommendations of the Cabinet and the Licensing & Registration Committee in relation to the formal adoption of a revised Statement of Licensing Policy (Gambling Act 2005).

16 Joint Report of the Monitoring Officer and the Cabinet - A.4 - Annual Review of the Constitution (Pages 181 - 276)

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, to enable the Council to consider recommendations of the Monitoring Officer and the Cabinet in relation to the annual review of the Council's Constitution.

17 Joint Reference from the Cabinet and the Resources and Services Overview & Scrutiny Committee - A.5 - Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) (Pages 277 - 318)

To enable the Council to consider joint recommendations of the Cabinet and the Resources and Services Overview & Scrutiny Committee in relation to the adoption of the Annual Capital and Treasury Strategy for 2022/23.

18 Report of the Chief Executive - A.6 - Changes in Membership of Committees (Pages 319 - 320)

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

19 Questions Pursuant to Council Procedure Rule 11.2

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

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

20 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting of the Council

Annual Meeting - Tuesday, 26 April 2022 at 7.30 pm - Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

Please follow the instructions given by any member of staff and they will assist in leaving the building.

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

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 15TH FEBRUARY, 2022 AT 7.30 PM
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

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

124. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors King and Knowles.

125. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council held on 25 January 2022 be approved as a correct record and be signed by the Chairman.

126. DECLARATIONS OF INTEREST

In relation to Item A1 – the General Fund Budget and in particular any discussion on the provision of funding to the Joint Use Facilities in Harwich, Councillor I J Henderson declared a Personal Interest due to a family member working at the facility under paragraph 5.1(f) of the Members’ Code of Conduct. The Monitoring Officer had, following the principles set out in Section 33 of the Localism Act 2011, agreed to grant a dispensation to allow him to take part in the debate and vote on the item:-

- *for the sole purposes of representing the residents living in the Harwich area as Ward Councillor relating to the loss of the facility to the community whilst adhering to the duties and responsibilities of the Members’ Code of Conduct.*

Councillor J Henderson declared the same Personal Interest as Councillor I J Henderson in relation to Item A1 – the General Fund Budget and confirmed that the Monitoring Officer had agreed to grant a dispensation to allow her to take part in the debate and vote on the item for the sole purposes of representing the residents living in the Harwich area as Ward Councillor relating to the loss of the facility to the community.

The Monitoring Officer was aware that many Members of the Council were also members of Town/Parish Councils within the District and/or were County Councillors for electoral Divisions within the District. She reminded Members that they did not have to declare a Personal Interest solely for that reason on an agenda item unless they were intending to talk specifically about the parish for which they were an elected Parish/Town Councillor.

The Chairman of the Council also reminded Members that the Monitoring Officer and the Section 151 Officer had circulated their annual guidance and advice on a number of matters relating to interests and voting on the annual budget and setting of Council Tax and, especially, the requirements of section 106 of the Local Government Finance Act 1992.

127. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

Pride of Tendring Awards

The Chairman thanked all those who had attended or who had been involved in the holding of the Pride of Tendring awards on Friday 11 February 2022. He felt that it had been a massively successful event. He was also pleased to announce that a significant amount of money had been raised on the night for local Armed Forces Veterans breakfast clubs.

Chairman's Charity Raffle

The Chairman reminded Members that the Raffle prizes would be drawn on Friday 25 February 2022. He urged that anyone who wanted to purchase Raffle tickets but had not yet done so to 'hurry up' and contact Lizzie Ridout, Leadership Support Manager or a member of her Team.

128. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

129. STATEMENTS BY THE LEADER OF THE COUNCIL

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

130. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

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

"This Council meeting is the Budget meeting and it is only three weeks since I last gave a full report so just a couple of headlines tonight:-

Lee Heley held the second of his 'Climate Change Programme Board' meetings on the 8th of February and I will report further on that at our next ordinary meeting on 29th March.

I will be contacting all our 27 Town and Parish Councils requesting that they inform me, via Lee Heley, of any changes or new initiatives they have undertaken, however small they may be, so that a list can be compiled of Climate Change activity District wide, that can then be circulated to all Towns and Parishes, so that Members in our own town or parish area can 'Crib' the best of what others are doing.

I have been reminded by colleagues that what I am doing ignores those unparished areas of our District completely, so for information purposes I will be copying the above letter and the replies I receive to the District Council Members representing our unparished wards, and since I know many of these wards have meetings where such matter could be discussed, perhaps local actions could be initiated for the long-term benefit of our residents.

I do hope colleagues that this does not appear to be teaching any Member in an unparished ward to 'suck eggs' as that is not my intention and I apologise to them in advance if that appears that way to them."

131. REPORT OF THE CABINET - A.1 - EXECUTIVE'S PROPOSALS - GENERAL FUND BUDGET AND COUNCIL TAX 2022/2023

Further to Minute 118 of the meeting of the Cabinet held on 28 January 2022, the Council considered the Executive's General Fund budget proposals for 2022/23.

Council was informed that there had been no changes required to the forecast or budgets, so Appendices A to C to item A.1 of the Report of the Cabinet remained the same as those that had been considered by Cabinet on 28 January 2022.

It was reported that the 'technical' Appendices D to J, which were required to be presented to Full Council in order to enable it to consider and agree the level of Council Tax and Budget for 2022/23 had been agreed by the Portfolio Holder for Corporate Finance and Governance, in accordance with the authority delegated to him by Cabinet on 28 January 2022.

Members were reminded that, as reported to Cabinet on 28 January 2022, there remained a budget deficit of £0.431m in 2022/23, which would be funded by drawing money down from the Forecast Risk Fund in-line with the long-term forecast approach.

Council was made aware that the total net General Fund revenue budget for 2022/23 was £9.398m along with a General Fund capital programme totalling £0.839m.

As recommended by Cabinet on 28 January 2022, the Executive's budget proposals set out a Band D Council Tax of £182.64 in 2022/23, an increase of £5 (2.81%), with a Council Tax requirement of £9.112m.

Members were advised that the budget recommended by Cabinet included only the District and Parish elements of the Council Tax rather than those from the major precepting authorities. The formal approval of the 'full' Council Tax levy for the year, including the precepts from Essex County Council, Police and Fire, was delegated to the Human Resources and Council Tax Committee which was due to meet later on in February 2022.

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

“Mr Chairman, I suspect that probably everyone feels this to some extent, but due to the COVID 19 pandemic the last two years have sort of rolled into one with many of the activities that we so proudly discussed last year continuing throughout 2021/22. I spoke last year about how, almost instinctively, we all came together to ensure we were there for our residents and businesses, and this has been the case again over the past 12 months, and just like last year, we have continued to respond to COVID 19 issues but also seamlessly continued with the provision of our day-to-day services.

As the 48 members of this Council we all bring our individual perspectives and we have a wide range of backgrounds and experiences that form our opinions and views, so hence we often have different ideas on the best ways of delivering for our residents, which is the key marker of any robust democracy; it is not only OK that we don't always agree, it is good and healthy, although I do like to think it goes without saying that any disagreements should always be handled with the utmost respect and courtesy. I have known most of you here tonight for many years and I think it is fair to say that we are all on the same side in terms of genuinely having the interests of our residents, businesses and visitors at heart, so when we do sometimes have conflicting views on tackling the many issues that we face as a Council, it is also helpful that we bring those different viewpoints to how we respond – and at the end of the day that is the benefit of having 48 voices contributing to this Council's future and progress.

Which brings me to the budget. At the heart of an effective Council and its ability to provide quality services, deliver on its objectives, and respond to the challenges and the expectations of residents and businesses, is a strong financial position. This is what enables us to keep the Council evolving and moving forward progressively. This is usually in a planned and programmed way but sometimes it may be in a reactionary way, as in Local Government the world around us is always shifting. You could say that is what makes our roles even more exciting, as I cannot think of such diverse organisations in the private sector.

One minute we may be talking about regeneration in Jaywick, the next minute on major projects such as Freeports. We may then find ourselves discussing the local plan, constitution reviews and waste and recycling. With only a cup of tea in between, we may then be asked to turn our minds to the demolition of a multi-storey car park and its replacement with quality new houses, the creation of a Garden Village or incineration issues at the crematorium, and then perhaps on to more operational matters such as Careline and seafront activities.

When you stop and think, we are effectively running a significant number of individual businesses, each of which are wildly diverse and varied, which would be a huge challenge for any private sector organisation.

These not only require us to think about issues such as social value, health and inequality, climate change and social inclusion, which highlights only a few examples, but all of this has to be built on and captured in the budget and financial forecast - a complex jigsaw puzzle I think it is fair to say.

When making such lists of the disparate range of activities we undertake and provide, it brings you back round to the same point that we touch on most years and that is we do

all of this for just £182.64 a year – the level of council tax we are considering tonight. I think that is pretty impressive and we should remind ourselves of this more regularly. It is also worth remembering that despite Council Tax bills being issued in the name of Tendring District Council, only about 8% of those bills is actually down to us.

In delivering services and responding to our priorities we also have to remain fiercely ambitious; but I think it is fair to say that with great ambition comes great financial responsibility.

What I mean by this is that all of us here tonight want to do the right things and spend our limited financial resources in the right places, but this has to be done in a balanced and proportionate way. As I think I say most years, we are just the current stewards here at Tendring District Council and that includes managing our finances well for the benefit of those that come after us.

Recent years have seen some Councils getting this balance wrong. Some have embarked on quite risky investments or not taken a prudent approach to using their resources wisely and at the right scale and speed – a form of reckless financial vandalism it could be said.

As you have heard me say before, digging yourself out of such a mess does not serve your residents and businesses well, as it usually takes a number of years to recover the lost ground.

Notwithstanding this, delivery is important against our existing ‘cash backed’ promises and the following list details some examples of key projects that we will be able to get underway very soon, obviously dependent upon this budget being agreed tonight, as well as some that have commenced and should be able to complete very shortly. Chairman, that list includes:

*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 150th 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 the site.*

As I said to the Resources and Services Overview & Scrutiny Committee just last month, it is essential that the Council has a clear set of priorities, and that those priorities are properly budgeted for. It should be printed in bold on page one of the “How to be a good Councillor handbook” that there is absolutely no point in a Council having a clear and specific priority, if there is no money in the budget to make it happen. And equally as important, there is also no point in having an amount identified in the budget

for a specific idea or project, if that scheme is not also identified as a priority for the Council.

So, looking ahead, we are aiming to implement a Corporate Investment Plan, a framework in which we can consider all the things we have to do, or would like to do, to support our ambitions and to further our priorities. This will be a key element in strengthening how we prioritise where we want to spend our money, which I am sure most economists would describe as a scarce resource – especially for us in the public sector! This approach will also start to see our existing Back to Business Plan merge with this new plan as we head into 2022/23.

We have already seen a change in the timing and reporting of our corporate priorities. This year we have brought them together to strengthen that all important link to the budget. The Corporate Investment Plan therefore aims to build on this approach.

During the course of the year, we often see ideas, projects and schemes come forward, and long may that continue, as this is a much better way of thinking than promoting a culture where people are hesitant to put things forward by self-editing their hopes and aspirations or where raising expectations are feared. There is nothing wrong with raising expectations and confidently promoting what we would like to do, as long as we balance that with the long-term financial sustainability of the Council, and I am sure that is an approach we can all embrace.

It is also worth highlighting that when ideas come forward, they can sometimes be viewed in isolation. When you view things in isolation, they can often appear to be good ideas that have strong links to our priorities, which they may well be. However, we need to place them next to other potential schemes and projects as only that way can we judge them consistently and squeeze as much value from every pound of investment we make. Taking a bank manager's approach, each idea put forward is competing with every other idea put forward and we clearly cannot fund them all. Therefore, what we need to do is see where the investment gives the biggest 'bang for our buck' in terms of delivering high quality services and delivering against our priorities.

With the above sound logic in mind, which seems a prudent and sensible approach to me, I would be happy to consider any new items and budget amendments that have been put forward by Members this evening. However, this will not be on the basis of their inclusion in the budget we will be considering tonight, but alternatively for inclusion in the Corporate Investment Plan. This will be maintained on a 'live' basis with the first iteration planned to be considered by Cabinet on 25 February 2022. This will also be a good place to consider how we effectively use the New Homes Bonus we will be receiving from the Government in the next financial year.

In terms of the New Homes Bonus, this is included in the budget before us tonight, which enables me to confirm the funding previously identified to support the Jaywick Workspaces scheme to enable it to now be progressed, as well as the demolition of the Milton Road car park and its replacement with high quality new housing as part of the Starlings re-development project in Harwich.

In terms of putting things forward for inclusion in the Corporate Investment Plan, I would like to make my own suggestion. Given the success of the Member's Small Grant Scheme as a strictly targeted resource, and which I extended last year, I would like to extend it again – however, this will be for much more positive reasons. I would like to

make an additional £1,000 available to each member of the Council in 2022/23 to enable them to support Her Majesty the Queen's Platinum Jubilee celebrations within their wards. I know that we will all wish to play a part in congratulating Her Majesty for her lifetime of dedication and devotion to our nation and to join in the celebrations within our local communities. We will also be making 'celebration packs' available to all those wishing to arrange street parties, but this funding goes above that by directly supporting the various celebrations I am sure people will be looking forward to later in the year – especially after the difficult two years we have all endured.

This is also a good point to revisit a couple of points made by the Resources and Services Overview and Scrutiny Committee when they reviewed the budget a few weeks ago. It is a terrific piece of work that they do on that committee, going through the budgets with a fine-tooth comb and I want to thank them for their efforts, it really is an essential part of the process. And to prove I was listening, they suggested the inclusion of potential seafront enhancements and improvements in public conveniences within the Corporate Investment Plan, so again I will ask Officers to bring those initiatives forward as part of the associated strategies.

As I mentioned earlier, we have to place all the things we want to do side by side, so we can take a properly informed decision of where we spend our limited resources. The Corporate Investment Plan will remain as a 'live' document so nothing that gets added will necessarily be removed, so it can be considered for funding in the future on a prioritised basis.

We now also have the Government's 'levelling up' agenda to consider going forward. Although the devil will be in the detail, it is likely that we will need to have some funding headroom within the Corporate Investment Plan as there will hopefully be opportunities to lever in Government funding on the back of us also committing money to schemes and projects that support this major Government agenda.

In terms of prioritisation of the Corporate Investment Plan, further details will be set out within the report to Cabinet in February, but it needs to take into account a number of key priority 'drivers' such as financial viability and sustainability, non-financial consequences such as reputation or health and safety, the outcome from external assessment and regulatory reviews along with being outcome-driven. This approach, therefore, aims to form the basis of a consensus of what we can fund.

It also needs to be done in a holistic way looking across the whole of the District. Let us not forget, supporting one area of the District often has a knock-on impact elsewhere in the District, such as the local economy, so we must remain alert to this as part of our decision making.

The Corporate Investment Plan approach will also guide us in terms of chasing external funding, as we will have a ready-made, properly thought through list that we can use to go out and 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 we set up last year to ensure the right capacity in the right places at the right time across the Council.

I hope you are happy Chairman to indulge me for a few minutes as I change the tone by taking a quick look at our financial governance arrangements which I am sure will

please Richard and Lisa. Good financial governance does not happen by accident and is something that is laid down over time. I mentioned about stewardship earlier, and although potentially not the most exciting subject in the world, it provides the strong foundations to always work from. We have made many improvements over recent years that we have captured in our Annual Governance Statement.

We need to continue this approach at Tendring; it has taken us a long time to get into a position that is as strong as it is right now; like many things in life – it takes a long time to build solid foundations, but they can easily be destroyed overnight. We must remain on the right path against which the financial forecast and budget can be ‘built on’ year after year.

During the budget cycle for 2022/23, a review of reserves was undertaken which was set out within the report to Cabinet back in December. Hopefully, this adequately responded to the simplistic but dangerous view that could have been taken, that we have money just sitting around doing nothing. All our reserves serve a vital purpose and are crucial in supporting the Council’s overall financial standing. Our reserves will play an important role going forward, such as helping us look after our assets and to help us deliver our climate change ambitions.

Turning to the details of the General Fund budget we are considering tonight, although the budget sets out an estimated annual deficit of £431,000 in 2022/23, it is significantly lower than last year. The position recognises the significant income receivable from the Government as part of the Local Government Finance Settlement. This, however, presents a double-edged sword, as although the additional funding is welcomed, we can only really treat it as one-off income. Future years’ settlements will be based on the Government’s planned spending review and along with the proposed reform of the retention of business rates, the level of funding we may receive in future years is unclear.

The annual savings target of £450,000, set out in the long-term forecast therefore remains an important element of our financial future. As discussed previously, we are now embarking on a zero-based approach to the budget, which is aimed at helping us identify the necessary savings. We cannot be complacent; we still have forecast deficits in later years of the forecast and so we all need to play our part in securing savings going forward. We need to find on-going savings, not just one-offs, as on-going items will form part of securing our financial future.

Having talked about the need to find savings, let us not forget one of the main principles behind the long-term approach – and that is providing time for our underlying income from business rates and council tax to grow. We all see growth in these two areas of the budget when we are out and about within the District, especially with new commercial units popping up, like those on Brook Park. Although there are no guarantees that I can give tonight, growth in these two areas of the budget may provide us with the ability to consider the level of savings going forward, or alternatively reflect the scale and speed that we can deliver against our priorities – that was one of the main flexibilities behind the long-term approach we have adopted.

The overall financial position for 2022/23 has also enabled us to build in an additional £352,000 to fund a number of important posts for a further year. These include Community Ambassadors, Street Rangers and a Technical Officer supporting the waste

and recycling team, all of which provides additional capacity in some of our key priority areas.

It would not be a budget speech if I did not talk about the necessary £5 increases to council tax that have been built into the long-term forecast. The increase in Council Tax is of course lower than the rate of inflation, and in real terms is actually the lowest increase in Council Tax for many, many years. The £5 increase is only one ingredient to the overall budget and is a compromise we have to continue to make to help deliver on our promise to protect front-line services.

As I mentioned earlier, our element of the Council Tax is only £182.64, which continues to remain one of the very lowest across Essex and which funds the diverse range of services I highlighted towards the beginning of this speech.

It is also worth highlighting that our Revenues and Benefits Team is currently beavering away on delivering the recently announced council tax rebate of £150 for those in band A to D properties. I further understand the Government's measures also include a £144m discretionary fund for councils to support vulnerable people and individuals on low incomes who do not pay council tax, or who do pay council tax and live in band E-H properties.

Although only a small part of the forecast, the budget we are considering tonight includes a further year's grant support to Town and Parish councils – I understand that we may be the only Council in Essex that still supports our Town and Parish colleagues by 'passporting' on an element of the revenue support grant we receive ourselves. While we continue to receive revenue support grant, I think it is right that we to continue to support our Town and Parish Councils in this way.

This is just one example of how constructively and positively we engage with our partners; we repeatedly demonstrate that we work effectively across the various strands of Local Government and the wider public sector, and I know that we are seen as a reliable and trusted partner – a good reputation to have especially as it can lever in significant investment that may have gone elsewhere in the county.

I am sure you will be pleased to hear that I am coming to the end of my introduction to the budget but with sincerity, I would like to repeat a point I made earlier. Although our politics may be different and we may not always see eye to eye on some issues, we are all on the same side at the end of the day and want to do the best for our residents, business and visitors. When we are faced with difficult decisions, I can assure you that they are never taken lightly. There will always be constraints on what we can or cannot do and most often or not that does come down to affordability. In an ideal world, we would not have to make such difficult decisions. We quite rightly represent our own wards as members, but we also need to balance this with the needs of the wider District as a whole. When we have to make tough decisions, we will always explain the reasons for doing so, but I appreciate not everyone will agree with them.

Through our approach to financial management and planning, priority setting, sound stewardship and ambition we can continue to make a difference for our residents and businesses as well as looking after the District and its natural environment. Although the budget we are considering tonight is only for one year, it represents an important phase within the longer-term plan that has these aims firmly in mind.

Chairman, by considering and agreeing this budget tonight, we can continue with our longer-term plan, supported by the approach of our new Corporate Investment Plan. This will enable all of us to have a stake in this Council's future. I commend this budget to the Council."

It was moved by Councillor Stock OBE that the recommendations, as set out on pages 15 and 16 of the Council Book, be approved.

It was then moved by Councillor Barry and seconded by Councillor Calver that Councillor Stock's motion be amended by the addition of the following:-

"That the underlying 2022/23 base budgets for both the Brightlingsea and Harwich Joint Use Sports Centres, which are currently held within the Management of Sport & Leisure Facilities on page 86 of the agenda be reinstated, to enable the three month transitional period agreed by Cabinet on 17 December 2021 to be extended for up to a further 12 months."

Earlier on in the meeting, Councillors I J Henderson and J Henderson had each declared a Personal Interest in relation to the Harwich Joint Use Sports Centre for the reasons set out in Minute 126 above. However, the Monitoring Officer had, for reasons that were also set out in the aforesaid Minute 126, granted those Councillors a Dispensation.

In addition to Councillor Barry, Councillors Steady, I J Henderson, J Henderson, Bush, Porter, Calver and Stock OBE addressed the Council on the subject matter of Councillor Barry's amendment.

The Chairman reminded Members that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 had made it mandatory for councils to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings. The Council's Constitution reflected this requirement within Council Procedure Rule 19.4.

In respect of Councillor Barry's amendment, the vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	Davis	Cawthron
Baker	Amos	White	King
Barry	Bray		Knowles
Bush	Chittock		
Calver	Codling		
Casey	Coley		
Chapman BEM	Fairley		
Clifton	Griffiths		
Davidson	G V Guglielmi		
Fowler	V E Guglielmi		
I J Henderson	Harris		
J Henderson	P B Honeywood		
Miles	S A Honeywood		
Morrison	Land		

Placey	McWilliams
Scott	Nash
Steady	Newton
G L Stephenson	Porter
M E Stephenson	Skeels
Wiggins	Stock OBE
	Talbot
	Turner
	Winfield

Councillor Barry's amendment was declared **LOST**.

Councillor Allen then moved and Councillor M E Stephenson seconded that Councillor Stock's motion be amended by the addition of the following:-

"(a) That, as a legacy of the Queen's Platinum Jubilee, an initial amount of £200k is included within the 2022/23 budget funded from the 2022/23 New Homes Bonus grant to set up a Tendring Platinum Jubilee Scholarship Fund.

(b) That, to enable the prompt delivery of the scheme, the Leader of the Council is requested to ensure a Member Working Group (led by the relevant Portfolio Holder and to include Opposition Members) be set up within 3 months of tonight's meeting to determine how the scheme can support teenagers and young adults from the Tendring District to pursue technical, artistic, academic qualifications who might not otherwise be able to do so, along with taking all necessary steps to implementation."

In addition to Councillor Allen, Councillors M E Stephenson and Stock OBE addressed the Council on the subject matter of Councillor Allen's amendment.

In respect of Councillor Allen's amendment, the vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	None	Cawthron
Baker	Amos		King
Barry	Bray		Knowles
Bush	Chittock		
Calver	Codling		
Casey	Coley		
Chapman BEM	Davis		
Clifton	Fairley		
Davidson	Griffiths		
Fowler	G V Guglielmi		
I J Henderson	V E Guglielmi		
J Henderson	Harris		
Miles	P B Honeywood		
Morrison	S A Honeywood		
Placey	Land		
Scott	McWilliams		
Steady	Nash		
G L Stephenson	Newton		

M E Stephenson	Porter
Wiggins	Skeels
	Stock OBE
	Talbot
	Turner
	White
	Winfield

Councillor Allen's amendment was declared **LOST**.

Councillor Allen then moved and Councillor Placey seconded that Councillor Stock's motion be amended by the addition of the following:-

“(a) That £150k is allocated from the Rural and Urban Infrastructure Fund of £1.184m, that has remained unspent for two years, to implement a scheme that supports capital projects across the District. It is further proposed to develop the scheme in partnership with Town and Parish Councils along with a working group of Councillors from the un-parished areas of Tendring to ensure there is financial sustainability to projects.

(b) That, to enable the prompt delivery of the scheme, the Leader of the Council is requested to ensure a Member Working Group (led by the relevant Portfolio Holder and to include Opposition Members) be set up within 3 months of tonight's meeting to determine how the scheme should operate, along with taking all necessary steps to implementation.”

In addition to Councillor Allen, Councillors Scott, Land, Placey and Stock OBE addressed the Council on the subject matter of Councillor Allen's amendment.

In respect of Councillor Allen's amendment, the vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	None	Cawthron
Baker	Amos		King
Barry	Bray		Knowles
Bush	Chittock		
Calver	Codling		
Casey	Coley		
Chapman BEM	Davis		
Clifton	Fairley		
Davidson	Griffiths		
Fowler	G V Guglielmi		
I J Henderson	V E Guglielmi		
J Henderson	Harris		
Miles	P B Honeywood		
Morrison	S A Honeywood		
Placey	Land		
Scott	McWilliams		
Steady	Nash		
G L Stephenson	Newton		
M E Stephenson	Porter		

Wiggins	Skeels
	Stock OBE
	Talbot
	Turner
	White
	Winfield

Councillor Allen's amendment was declared **LOST**.

Councillor I J Henderson then moved and Councillor Scott seconded that Councillor Stock's motion be amended by the addition of the following:-

“(a) That £144k is allocated from the existing Tendring Community Fund of £404k, that has remained largely unspent for two years, to extend the existing and successful Members’ Small Grant Scheme that was originally introduced to support COVID 19 related activities within the District.

(b) That, subject to (a) above, the existing grant criteria be amended to enable each Member to award grants totalling £3,000 to organisations within the District that are providing support to residents struggling with the rising costs of living.”

In addition to Councillor I J Henderson, Councillors Scott and Stock OBE addressed the Council on the subject matter of Councillor Henderson's amendment.

In respect of Councillor Henderson's amendment, the vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	None	Cawthron
Baker	Amos		King
Barry	Bray		Knowles
Bush	Chittock		
Calver	Codling		
Casey	Coley		
Chapman BEM	Davis		
Clifton	Fairley		
Davidson	Griffiths		
Fowler	G V Guglielmi		
I J Henderson	V E Guglielmi		
J Henderson	Harris		
Miles	P B Honeywood		
Morrison	S A Honeywood		
Placey	Land		
Scott	McWilliams		
Steady	Nash		
G L Stephenson	Newton		
M E Stephenson	Porter		
Wiggins	Skeels		
	Stock OBE		
	Talbot		
	Turner		

White
Winfield

Councillor I J Henderson's amendment was declared **LOST**.

In addition to Councillor Stock OBE, Councillors M E Stephenson, I J Henderson, Allen, Steady, Porter, Calver, Miles, Scott, Baker and G V Guglielmi addressed the Council on the subject matter of Councillor Stock's motion.

In respect of Councillor Stock's motion, the vote resulted as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander	None	Barry	Cawthron
Allen		Calver	King
Amos		Casey	Knowles
Baker		Chapman BEM	
Bray		Davidson	
Bush		Fowler	
Chittock		I J Henderson	
Clifton		J Henderson	
Codling		Morrison	
Coley		Scott	
Davis		Steady	
Fairley		Wiggins	
Griffiths			
G V Guglielmi			
V E Guglielmi			
Harris			
P B Honeywood			
S A Honeywood			
Land			
McWilliams			
Miles			
Nash			
Newton			
Placey			
Porter			
Skeels			
G L Stephenson			
M E Stephenson			
Stock OBE			
Talbot			
Turner			
White			
Winfield			

Councillor Stock's motion was declared **CARRIED** and it was therefore:-

RESOLVED that, having had regard to the Chief Finance Officer's (Section 151 Officer) report on the Robustness of Estimates and Adequacy of Reserves in accordance with

the requirements under Section 25 of the Local Government Act 2003 (Appendix K to the report), and having taken account of any responses to the budget consultation process the Council approves the budget proposals (based on a £5 Band D council tax increase for district services) and agrees that:-

- i) the total General Fund net revenue budget for 2022/23 be set at £9.398m (a council tax requirement of £9.112m excluding parish precepts);
- ii) the General Fund capital programme be approved totalling £0.839m in 2022/23;
- iii) the detailed General Fund budget for 2022/23 be as set out in Appendix D to item A.1 of the Report of the Cabinet;
- iv) the calculation of the Council's Council Tax requirement, Special Expenses and Parish/Town Council precepts, be as set out at Appendix F to the aforesaid report;
- v) the Council Tax for District and Parish/Town Councils' services be as at Appendix I to the aforementioned report and that these are the amounts to be taken into account for the year in respect of the categories of dwellings listed in different valuation bands; and
- vi) if budget adjustments are required following the late notification of external / grant funding, then in consultation with the Corporate Finance and Governance Portfolio Holder, budgets be adjusted accordingly with no net impact on the overall budget or capital programme set out above.

132. REPORT OF THE CABINET - A.2 - EXECUTIVE'S PROPOSALS - HOUSING REVENUE ACCOUNT BUDGET 2022/2023

Further to Minute 119 of the meeting of the Cabinet held on 28 January 2022, the Council considered the Executive's Housing Revenue Account (HRA) budget proposals for 2022/23.

Council was informed that there had been no further changes required to the forecast or budgets, so Appendices A to E to item A.2 of the Report of the Cabinet remained the same as those considered by Cabinet on 28 January 2022.

As reported to Cabinet on 28 January 2022, there was a budget surplus of £0.333m in 2022/23 that had been committed to investing in capital works, which included the delivery of new affordable housing but also the continued investment in the homes of our existing tenants. The surplus £0.333m therefore remained as a contribution to the HRA capital programme.

Members were informed that for 2022/23, the Executive's budget proposals set out an increase in dwelling rents of 4.1% along with a total net HRA expenditure budget of £14.926m and a capital programme totalling £3.790m.

As previously reported to Cabinet, 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.

Council was made aware that the 4.1% increase in dwelling rents resulted in an average weekly rent of £87.55 in 2022/23 (£84.10 in 2021/22).

Members were advised that the proposed budget reflected the continued repayment of debt, with the total level of existing debt falling to £35.350m at the end of 2022/23.

Council was informed that the estimated HRA general balance at the end of 2022/23 totalled £4.325m.

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

“Our approach to financial stewardship, sustainability and governance, that I talked about when introducing the General Fund budget earlier, applies equally to the Housing Revenue Account. These may however require tweaks here and there to address not only some different accounting rules, but also because the HRA has a landlord focus that comes with looking after more than 3,000 homes across the District.

Last year we talked about revisiting the 30-year business plan in the light of various strands of work either completed, on-going or planned, but we can do this in the knowledge of being able to operate from a really strong base, both financially and reputationally.

The budget for 2022/23 that we are considering tonight has therefore been developed against a revised 30-year business plan. As discussed in the reports we have considered over the last few months as part of developing the budget, the 30-year plan has seen a reset in terms of the increased cost of looking after our existing tenants’ homes and delivering capacity to ensure we remain an excellent landlord, an accolade we are very proud of and always seek to maintain.

As with the general fund, the HRA also faces many challenges looking ahead beyond 2022/23, one of which is the financial consequences that will likely emerge from the Hackitt Review of Building Regulations and Fire Safety following the Grenfell tragedy and any revised decent homes standards that may ensue.

We want to make sure we remain up to that challenge, as we need to make sure that our tenants are always living in safe, comfortable and quality housing.

We have also set out our ambition to increase the supply of affordable housing either through acquisition or building our own.

This ambition can be managed via the new Corporate Investment Plan, complemented by the 30-year HRA business plan. This is where we will need to continue to balance the various competing demands, whilst making sure that we never stray too far from the solid financial foundations we have laid down over the years.

We must always be able to turn to good financial management and stewardship as part of any future planning we undertake. The 2022/23 budget reflects a really good example of some of that thinking. It is well worth remembering that when we transitioned to the HRA self-financing model back in 2012, we had to buy our own council houses back from the Government, and we had to pay out over £30 million for the privilege! Quite a unique and frankly astonishing transaction I think we would all agree.

However, we remained positive and structured the necessary loan agreements that we had to enter into in a way which gave us future flexibility. By taking this approach and managing our finances well, 2022/23 sees one of these loans being repaid. This has reduced our annual debt and interest repayments, which can now be reinvested back into existing tenants' homes or into new housing for our local residents.

Based on the managed approach we took, we will see further opportunities to reduce debt and interest payments in future years, which will be invaluable in supporting the HRA looking ahead over ten to fifteen years and longer.

Although it was mentioned at Cabinet back in January, I would like to take this opportunity to say thank you again to the Resources and Services Overview & Scrutiny Committee along with the Chairman and other members of our Tenants' Panel for taking a constructive and active part in the consultation process that helps us keep developing our HRA financial plans.

The Resources and Services Overview & Scrutiny Committee made the very important observation about setting aside funds to meet the costs that will likely arise from the housing stock condition survey that we will be undertaking in 2022/23. The budget we are considering tonight echoes this point, as we are looking to make a further contribution of £333k to the HRA capital programme to ensure we can make the continued investment in the homes of our existing tenants but also to support the delivery of new affordable housing for local people.

What we have managed to achieve and what we are planning to deliver is quite remarkable when you think that the Government required us to reduce rents by 1% for the four years from 2016/17 to 2019/20. This effectively removed £30 million from our HRA budget over the long term, given its telescopic effect. But as I have said before, we have to remain focussed on the things we can control rather than get bogged down stressing about things we can't, which is what we have done, and we are now seeing the benefits of our positive 'can do' approach.

Similarly to the argument about council tax increases, increasing rents is always a compromise and balance we need to strike with providing good quality homes in a sustainable and long-term way.

We are recommending a 4.1% increase in rents in 2022/23, which I think helps us maintain this balance. As set out in the report, the pandemic introduced a significant level of volatility in inflation rates, with a CPI level of just 0.5% last year. We have seen CPI rise significantly over the last few months, with the rate even increasing during the time we were developing this year's budget. The current rate of CPI is now even higher than the rent increase we are proposing, a gap that could easily get bigger during the next year.

Given this volatility in the level of CPI, it is reasonable to look at the overall level of rent increase over the last two years and as set out in the report, taking these two years together, the average increase is 2.8%.

If we are going to increase rents, we also have to squeeze as much value out of the money we collect as possible, and that can be seen in the 30-year business plan. It also has to be seen by our tenants, which I think we can ably demonstrate over recent years and going into 2022/23.

If you just look at the capital and revenue investment in tenants' homes, well over £6million a year goes back into maintaining and improving the 3,000 homes that we own.

In terms of our reputation and as I highlighted earlier, we will continue to make sure that our tenants live in safe, comfortable and quality housing, which will always be at the centre of how we manage the HRA.

This is in addition to delivering on our key priority of increasing the supply of affordable local homes for local people – via a financially strong position we want to maintain the momentum from the amazing properties we have built in Jaywick. A good example of where we are doing this was reflected in the decision we took back in December, which will see additional high-quality homes being delivered on the Weeley Council Offices site.

Just before I wrap up, I think it is worth reflecting for a moment that countless local authorities got rid of their council housing many years ago, lots of other councils transferred the ownership of their housing to separate companies. Here in Tendring we have always recognised the importance of really good council housing and the difference decent homes make to peoples' lives. We have always striven to improve and enhance the quality of the homes we manage and to increase the numbers we have available. It is no idle boast to say that we probably lead the country in this regard; we should all be extremely proud of that fact.

Chairman, the budget we are considering tonight is another step in our 30-year plan that is built on sustainability and good financial management to secure the future of the homes of our tenants, both now and looking ahead beyond 2022/23. I commend this budget to Council."

Councillor M E Stephenson addressed the Council on the subject matter of this item.

It was moved by Councillor Stock OBE and unanimously:-

RESOLVED that Council approves:-

- (a) a 4.1% increase in dwelling rents in 2022/23; and
- (b) the Housing Revenue Account Budget for 2022/23 as set out in Appendix B to item A.2 of the Report of the Cabinet, along with the Scale of Charges, HRA Capital Programme and the movement in HRA Balances / Reserves, as set out in Appendices C, D and E respectively, to the aforementioned report.

133. REFERENCE FROM THE AUDIT COMMITTEE - A.3 - APPOINTMENT OF AN EXTERNAL AUDITOR FOR A FIVE YEAR PERIOD COMMENCING 2023/2024

Further to Minute 26 of the meeting of the Audit Committee held on 27 January 2022, the Council considered whether to opt in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors for a five year period commencing from 2023/24.

Council recalled that, following the closure of the Audit Commission in 2015, it had considered options for the appointment of its External Auditors in February 2017 and

had agreed to opt-in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors from 2018/19 for a period of five years up to, and including, the audit of the 2022/23 accounts.

It was reported that this arrangement would terminate on 31 March 2023 and that the Council was now being invited by the PSAA to consider continuing with the existing opt-in approach for the re-appointment of its External Auditors for a five year period from 2023/24.

Members were informed that the PSAA had published an associated prospectus as part of their invitation process with a summary of the advantages of a national opt-in scheme as follows:

- *“the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;*
- *appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;*
- *management of the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;*
- *ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;*
- *minimising the scheme management costs and returning any surpluses to scheme members;*
- *consultation with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;*
- *consultation with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and*
- *ongoing contract and performance management of the contracts once these have been let.”*

In terms of the associated procurement process, PSAA had confirmed that they would:-

- *seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;*
- *continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key benefit of the national collective scheme);*
- *continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members.*

Council was made aware that, as an alternative approach to the opt-in arrangements above, it could choose to appoint its own external auditor. However, this would require the Council to:-

- *establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly, or a majority of, independent members; and*
- *manage the contract for its duration, overseen by the Auditor Panel.*

It was considered that making a local appointment allowed the Council to take maximum advantage of the local appointment regime, but it did introduce a number of challenges such as:

1. *recruiting and servicing a Local Auditor Panel;*
2. *running the tender exercise and negotiating the contract;*
3. *missing the potential economies of scale that sector-led procurement via the opt-in process be expected to deliver; and*
4. *demonstrating quality and independence requirements.*

In respect of number 3 above, Council was advised that there were currently only nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This meant that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues.

In summary and as set out when the last five year appointing period had been considered back in 2017, the main advantages of opting in to the PSAA's appointing person option remained and included:-

- *Timely auditor appointments*
- *Managing the independence of auditors*
- *Securing competitive prices*
- *Saving on procurement time / costs*
- *Saving time and effort needed to implement and support auditor panels*
- *A stronger ability to focus on audit quality*
- *The scheme operating on a not for profit basis with any surplus funds distributed to member bodies.*

Based on the above and its relative success over the past five years, the Audit Committee had recommended that this Council opt-in to the PSAA appointing person regime for a further five-year period commencing 2023/24.

Members were advised that if the Council did not accept the PSAA's invitation to opt-in by 11 March 2022 then it would not be able to do so until the following year. This would require the local appointment process to be implemented over the next 12 months, ahead of the 2023/24 year that the first year of the appointment period would cover.

It was moved by Councillor Coley and:-

RESOLVED unanimously that -

- (a) Tendring District Council continues to opt-in to the appointing person arrangements offered by Public Sector Audit Appointments (PSAA) for the appointment of external auditors for a period of five years commencing from 2023/24; and
- (b) PSAA be informed of the Council's decision by the PSAA's deadline for responses of 11 March 2022.

134. URGENT MATTERS FOR DEBATE

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

The Meeting was declared closed at 10.14 pm

Chairman

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COUNCIL

29 MARCH 2022

REPORT OF LEADER OF THE COUNCIL

A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Transfer of funds from Additional Restrictions Grant to Business Adaptations Grant

On 21 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), on behalf of both the Business & Economic Growth Portfolio Holder (Councillor Newton) and the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi), and in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the Business & Economic Growth Portfolio Holder's and the Corporate Finance & Governance Portfolio Holder's joint decision relating to the transfer of funds from the Additional Restrictions Grant to the Business Adaptations Grant would be exempt from the Council's call-in procedure.

The Business & Economic Growth Portfolio Holder's and the Corporate Finance & Governance Portfolio Holder's joint decision was as follows:-

"To transfer £195,000 from the latest Additional Restrictions Grant (ARG) funding to the Business Adaptations Grant (BAG) scheme to support the Covid-19 recovery scheme to those applicants who applied after available funding had been allocated."

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"During December 2021 Government announced a further phase of the ARG and allocated Tendring District Council £195,000 to provide enhanced business support."

This particular phase of the grant would need to be spent by the end of March 2022 or returned to Government. This criteria offers very limited time to develop a proposal and implement a scheme."

At a meeting on 11th January 2022 it was agreed to seek clarification from the Department for Business, Energy and Industrial Strategy (BEIS) as to whether the £195,000 could be transferred from the ARG to support the BAG scheme. The amount transferred to the BAG scheme would cover the shortfall from the funds being allocated and the amount of applications received before the end of the scheme."

Confirmation has now been received by BEIS that they support the transfer. To comply with the guidance received from BEIS a new form will be produced and sent to the businesses who have recently applied for BAG but were unsuccessful due to all available money being allocated or had been rejected without the opportunity to provide missing information."

(2) Award of the construction contract for the Jaywick Sands Market site

On 25 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that his decision relating to the award of the construction contract for the Jaywick Sands site would be exempt from the Council's call-in procedure.

The Interim Corporate Director's decision was as follows:-

"To award the construction contract for the Jaywick Sands Market site development to TJ Evers Limited as the lowest tender received, as a matter of urgency due to the expiration of the tenders received."

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"During October 2021, with Cabinet's approval Tendring District Council carried out the tender process for the construction of the Jaywick Market site 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 produced a revised cost appraisal based on the Council's tender pack and the latest market information on the cost of materials. This work indicated that the total construction cost of the scheme had likely increased from £2.1m to at least £2.7m.

On 6 December 2021 the Council received tenders from building contractors as part of the Council's procurement exercise, which came in significantly above the budget. The lowest tender was from TJ Evers Limited, which after value engineering came in at £3,877,239, over £1.1m greater than the cost consultant's recent estimate. This gives a total scheme value of £4,407,182, which is £1.98m over the total budget currently allocated of £2,427,000 to secure delivery.

During a Cabinet meeting on 28th January 2022 permission was given to increase TDC's allocation by a further £254,465 and to explore external funding to a value of £1.68m. The Council approached the South East Local Economic Partnership (SELEP) and Essex County Council (ECC) for the potential for additional investment in the project.

ECC have now committed to provide the necessary funding with a public announcement on the 25th February 2022 in Jaywick Sands.

However, providing the extra funding externally has taken a significant period of time and has pushed the project to the end of the tender values period. Therefore, to avoid a further increase in tender prices the project needs an exemption from the call in period to enable us to issue the Letter of Intent to the contractor before the tender price period expires."

(3) Jaywick Market Project Contingency Fund

On 25 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the decision of Portfolio Holders relating to the creation of a contingency fund for the Jaywick Market Project would be both exempt from the need to give 28 days' notice of that decision and also the Council's call-in procedure.

The joint decision of the Corporate Finance & Governance Portfolio Holder, the Business

& Economic Growth Portfolio Holder and the Housing Portfolio Holder was to:-

“(a) set aside the remaining funds within the existing Business Investment and Growth Budget of £411,000 to provide an available construction contingency amount of £481,000 for the Jaywick Market site project; and

(b) that the additional £411,000 additional set aside funding will be released back into the Business Investment and Growth Budget if not required.”

It was felt that any delay likely to be caused by the 28 day prior notification and call-in processes would have seriously prejudiced the Council’s and the public’s interest for the following reasons:-

“In January 2022, a report was presented to Cabinet which not only provided a summary of the project progression is also requested further funding from both Tendring District Council of £254,465, sought permission to seek further external funding of £1,680,182 and requested permission to award the contract to the lowest tender bid.

Essex County Council agreed to provide the extra funding and a decision was published to award the contract to T J Evers on the 3rd March 2022. As part of the above arrangements, a total construction contingency sum of £150,000 was identified.

During contract negotiations, some omissions to the tender value were found and some of the proposed value engineering savings were found to be unsuitable. Along with the additional costs identified by the Council’s Architects due to the extended period of the project, the total additional construction costs for the project have increased by £80,000. This puts an immediate pressure on the original project contingency sum of £150,000.

To address this issue, it is currently proposed to set aside the remaining funds within the existing Business Investment and Growth Budget of £411,000. Although this would result in an amount in excess of the more usual contingency allowances (of up to 10%), it does provide extra assurance. However, the project will be managed to limit the use of the revised contingency amount wherever possible.

By taking the above approach, the available construction contingency amount would increase to a total of £481,000.

As the project will be delivered over a relatively short time period, this additional set aside of funding may be able to be ‘released’ during the construction phase as risks change (e.g. once ‘out of the ground’) or at the end of the project, which will be early next year. All remaining funds will be returned to the Business and Investment Growth Fund once the project is complete.

Although the existing Business Investment and Growth budget is being set aside as the project contingency, the Service are currently exploring whether savings can be identified elsewhere within the wider directorate budgets to support the project. Although it is too early to confirm the scale of these potential savings, any savings that are identified will enable the Business Investment and Growth budget to be ‘repaid’ which in turn would then become available to support other projects within the Corporate Investment Plan.”

BACKGROUND PAPERS

(1) Transfer of funds from Additional Restrictions Grant to Business Adaptations Grant

Letter dated 21 February 2022 from the Interim Corporate Director (Projects Delivery), to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 25 February 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Portfolio Holders' decision to be exempt from call-in.

(2) Award of the construction contract for the Jaywick Sands Market site

Letter dated 25 February 2022 from the Interim Corporate Director (Projects Delivery), to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 25 February 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Interim Corporate Director's decision to be exempt from call-in.

(3) Jaywick Market Project Contingency Fund

Letter dated 11 March 2022 from the Interim Corporate Director (Projects Delivery), to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 11 March 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Portfolio Holders' decision to be both exempt from the 28 day notification period and also call-in.

APPENDICES

None.

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**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 10TH JANUARY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chittock (Chairman), Amos (Vice-Chairman), Chapman BEM, Clifton, Davidson, Miles, Skeels and Steady
Also Present:	Councillor Honeywood (Portfolio Holder for Housing)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Peter Russell (Executive Projects Manager - Housing), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Richard Priest (Social Housing Consultant, Priest Property Consultants) and Gavin Cowling (Team Manager ((Essex)) Peabody Floating Support)

[Note: Tim Clarke (Assistant Director (Housing and Environment)) and Ivan Briggs (Operations Manager at Anglia Care Trust) were able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An Apology for absence was submitted by Councillor Codling (no substitution).

30. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 8 November 2021 be approved as a correct record.

31. DECLARATIONS OF INTEREST

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

32. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

33. HOUSING ISSUES IN THE DISTRICT - EXTERNAL PARTNERS

Further to the decision of Council on 13 July 2021 (Minute 53 refers), the Committee undertook an enquiry into "Housing issues in the district - how it impacts residents, socially, mentally and financially." The enquiry was looking at the struggle of finding somewhere to live on low or no wages.

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.

As part of the enquiry, 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 Real Estate 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.

After a short discussion the Committee **RECOMMENDED** to Cabinet that it pursue with partner agencies measures 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

34. FURTHERING THE COMMITMENT TO THE COUNCIL'S CORPORATE PLAN 2020-24 - DEVELOPING HIGHLIGHT PRIORITY ACTIONS FOR 2022/23

The Committee considered the report submitted to the Cabinet on the 17th of December 2021 (Minute 98 referred), in relation to Council's strategic direction as set out in its

Corporate Plan. The report specifically set out initial proposals for highlight priorities for 2022/23 in support of the Council's Corporate Plan 2020-24 as adopted by Council on 21 January 2020 (Minute 78 refers). Consultation on those initial proposals was underway and the outcome would be reported to Cabinet on 28 January 2022; when finalised highlight priorities for 2022/23 would be adopted.

The themes of the 2020/24 Corporate Plan were:

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

The highlight priority actions adopted each year could not cover every separate element of the ambition of the four year Corporate Plan; nor were they intended to indicate that other projects, schemes or activities were not being pursued. They were intended to reflect imperatives across the Council and for the District and actions that it was right to focus on in that year.

After a detailed discussion the Committee **RECOMMENDED** to Cabinet that, in addition to the initial priorities set out in the report, the following highlight priorities for 2022/23 be added:-

1. Delivering High Quality Services – Include a further priority around enhancing the public realm by investing in such areas as weed control and measures to improve public open space.
2. Growing and Inclusive Economy - 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.
3. Building Sustainable Communities – to include a priority for tackling homelessness within the measures discussed at the meeting (Minute 32 above refers) with the relevant milestones.
4. Community Leadership – 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.

[Note: Subsequent to the meeting, the Leader agreed that the outcome of consultation on the highlight priorities be reported to Cabinet on 25 February 2022.]

The meeting was declared closed at 9.35 pm

Chairman

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Public Document Pack

Resources and Services Overview and
Scrutiny Committee

12 January 2022

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON WEDNESDAY, 12TH JANUARY, 2022 AT 9.30 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Barry, Codling, Griffiths, Harris, Morrison and Placey
Also Present:	Councillor Neil Stock OBE (Leader of the Council; Leader of the Conservatives Group), Councillor Carlo Guglielmi (Deputy Leader of Council; Portfolio Holder for Corporate Finance & Governance; Deputy Leader of Conservatives Group), Councillor Paul Honeywood (Portfolio Holder for Housing), Councillor Lynda McWilliams (Portfolio Holder for Partnerships), Councillor Mary Newton (Portfolio Holder for Business & Economic Growth), Councillor Alex Porter (Portfolio Holder for Leisure & Tourism), Councillor Michael Talbot (Portfolio Holder for Environment & Public Space) and Councillor Andrew Baker
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

46. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received on behalf of Councillor Amos (no substitution) and Councillor Allen (Councillor Placey substituting).

47. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 13 December 2021 be approved as a correct record.

48. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting. Several Members of the Committee were associated with organisations that had received financial support through the Council in respect of the covid-19 pandemic and supporting local communities. On the face of it, there was no interest that was disclosable by individual Members arising from such associations.

49. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

50. BUDGET PROPOSALS FOR 2022/23

The Committee had before it a report that set out a number of key financial reports for consideration, including the budget proposals for 2022/23 in respect of both the General Fund (GF) and Housing Revenue Account (HRA).

The Members heard how a number of key financial reports were considered by Cabinet earlier in the year, with the comments of the Committee now requested. The various reports form part of the Committee's work programme and the timely opportunity had been taken to bring those together within this report as part of the Committee's wider budget consultation activities for 2022/23.

The following set out each report in turn:

1) Treasury Outturn 2022

On 17 September 2021, Cabinet considered the ***Treasury Outturn 2020/21***.

At the above meeting, Cabinet resolved that the Treasury Management performance position for 2020/21 be noted and that the Prudential and Treasury Indicators for 2020/21 be approved.

2) Financial Performance Report at the end of Quarter 2 (2021/22)

On 12 November 2021 Cabinet considered the ***Financial Performance Report – In-Year Performance against the Budget at the end of the Second Quarter 2021/22 and Long Term Financial Forecast Update***.

At the above meeting, Cabinet resolved:

“That, in respect of the financial performance against the budget at the end of September 2021:-

- (a) the current position be noted;*
- (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.8 of the Report of the Portfolio Holder for Corporate Finance & Governance, be approved;*
- (c) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas 2021 break;*
- (d) the Council continues to be a member of the Essex Business Rates Pool in 2022/23 if it remains financially advantageous to do so; and*
- (e) the closing date for Members to submit claims under the Members' COVID-19 small grant scheme be set as 31 March 2022.*

2. *That, in respect of the Updated Long Term Forecast:-*

the updated forecast be approved and that the Resources and Service Overview and Scrutiny Committee be consulted on the latest position”.

3) Updated Financial Forecast and Budget Proposals 2022/23 (GENERAL FUND)

On 17 December 2021, Cabinet considered the **Updated Financial Forecast and Initial Budget Proposals 2022/23**.

At the above meeting it was resolved that Cabinet:

- (a) *“approves the updated Financial Forecast and proposed position for 2022/23 as set out in the Corporate Finance & Governance Portfolio Holder’s report and the appendices thereto; and*
- (b) *requests the Resources and Services Overview and Scrutiny Committee’s comments on this latest financial forecast and proposed position for 2022/23”.*

4) Housing Revenue Estimates 2022/23

On 17 December 2021, Cabinet considered the **Housing Revenue Account Estimates 2022/23**.

At the above meeting it was resolved that Cabinet:

- (a) *“approves the updated Housing Revenue Account (HRA) 30 year Business Plan and proposed position for 2022/23, as set out in the Portfolio Holders’ joint report and Appendix thereto; and*
- (b) *requests the Resources and Services Overview and Scrutiny Committee’s comments on this latest HRA financial forecast and proposed position for 2022/23”.*

The Committee thereupon undertook its scrutiny of the key financial reports including budget proposals for 2022/23

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

Members of the Cabinet, accompanied by the appropriate Management Team Member or other Senior Officer, attended the meeting in turn and assisted the Committee in its enquiry of the matters put to them in respect of the budget position and allocation of funds. The questions that Members asked to Cabinet Members and Officers (together with the responses received from those Cabinet Members and Officers) form the Appendix to these Minutes.

The meeting adjourned briefly for lunch.

During his time with the Committee, the Leader of the Council praised its hard work and said:

"I genuinely do thank you, I have done the scrutiny role myself, so I do appreciate the value, significance and the key role that it plays in a democratic system, I often joke, if I was king of the world, that would be great for me, until it wasn't great anymore, I could make all sorts of crazy decisions on my own, some of them would have been fantastic, some others wouldn't have been so good. Even with in the grouping of Cabinet there will be differences of opinion which are right and proper and they're good, because you need someone to point out other views and opinions.

We need Overview and Scurtiny, even if we don't always necessarily like it or do what is recommended, but we need that challenge and the committee are giving us a challenge and leads for a better decision making process and makes for a better Local Authority which makes us a better Council and District".

Having considered all of the information that had been provided, including the responses to the questions posed to Cabinet Members and Officers referred to in the Appendix, it was **RESOLVED** that the **CABINET** be **RECOMMENDED** that:

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.

NOTE in accordance with procured rule 19.5 Councillors Griffiths and Placey requested that their names be recorded in the minutes as having voted against recommendation 2(b) above.

The meeting was declared closed at 3.28 pm

Chairman

RESOURCES & SERVICES OVERVIEW AND SCRUTINY COMMITTEE
2022/23 BUDGET AND INITIAL PRIORITIES QUESTIONS
OF CABINET MEMBERS

Cabinet Member to be asked the question	Question to be asked	Responses
All Portfolio Holders	How many projects that are in the highlight priorities for 2021/22 will not be completed in the year and will be added to the workload for 2022/23 or dropped altogether?	Portfolio Holders will report to Cabinet this month on the highlight priorities, which will provide the committee with detailed information on progress against projects for 2021/22.
Cllr. Porter	<p>“Can the portfolio holder give an update on the position of Brightlingsea and Harwich Sports Centres, (given that they have had funding extended for three months by Cabinet in December 2021), in respect of their inclusion in the District’s Sports facilities Strategy which is due to be published in March 2022”?</p> <p>“Can the portfolio holder explain why Sports and Leisure Facilities are not included in highlight priorities for 2022 given the importance of these within the about to be adopted S2 of the Local Plan and the development of Local Delivery Pilot”.</p> <p><u>Tourism Offer/Events</u></p> <p>“What plans have we in the pipeline for the Queen’s Platinum Jubilee? It’s not that</p>	<p>The joint use agreements have come to an end for the Harwich and Brightlingsea facilities. The Council is working with the Sigma Trust – and the Town Councils - with the aim of enabling as much community use as a possible of the facilities. We expect the future sports strategy to be much more broadly scoped than just the use of the Councils’ own facilities, and so it may reference facilities available from the Sigma Trust. The RSOS committee will have the opportunity to input to the sports strategy.</p> <p>Sports and leisure remains important for the Council, and is a focus for me as the Portfolio Holder, which is why we are bringing forward the strategy. The Council is not able to include everything that is important within in the priorities for 2022/3. I look forward to discussing the strategy with the chair of the committee.</p> <p>I am considering options for the jubilee celebrations in the coming months - we have until April to sign</p>

	<p>far away”.</p> <p>“Any plans to use one of the empty shops in Clacton as a “proper” tourist information point open 7 days a week”?</p> <p>“What is your assessment of the overall level of projects and schemes that comprised the Clacton 150 celebrations”?</p> <p>“Did they achieve your ambition for the 150th year celebrations”?</p>	<p>up to national events. These include more than 1,500 beacons lit throughout the United Kingdom and the Commonwealth. There is also a Beacon Trail in the four weeks ahead of the Jubilee with seven venues chosen around a local area, to learn about a different decade in the Queen's reign. I am also considering local events, such as a jubilee tea parties, leisure open days, and themed planting.</p> <p>We have a tourist information service that answers queries online, by email and telephone and in person in the Town Hall five days a week, and our What's on page and the Visit Essex website is available 24 hours a day seven days a week.</p> <p>Despite lock downs, we celebrated Clacton's 150 years. The 23 bays from Holland Haven to Clacton Pier have been named as part of Clacton-on-Sea's 150th anniversary celebrations. Clacton has a new Heritage Trail that starts at Jaywick Sands, goes along the promenade up into the town centre, railway station and then follows back down to the named beaches. A Dinner Dance was held at The Princes Theatre as well as a celebration day for Clacton 150 and the theatre's birthday, a sell-out event.</p> <p>Street Tag continues to have a positive impact within the community and schools, with Season Two concluding in February. This encourages people of all ages to learn local history and be active.</p> <p>Yes, given the global situation we have been in. We were able to hold several very successful events in</p>
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	<p>“What schemes are in place and funded to mark the Queens Platinum Jubilee Celebrations locally”?</p> <p>“The summer plan ended up addressing issues of increased litter along the coast line and I would like to know whether these will now be introduced as the summer season starts in 2022/23 rather than having to see a repeat of the problems from the start of the summer season 2021/22”?</p> <p>“Is there an update on the Council’s liabilities in respect of cliff slippages at the sea front? You said to Cabinet on 12 November last year this matter was being explored”.</p>	<p>2021 that adhered to the national guidelines and were popular with the public, including the heritage trail, the Clacton Anniversary Flights, and the new Clacton 150 Coat Of Arms designed as part of a primary school initiative.</p> <p>I am considering options for the jubilee celebrations in the coming months as we have until April to sign up to national events. These include more than 1,500 beacons lit throughout the United Kingdom and the Commonwealth. As the sun sets at 9:09 pm on 2nd June, individual pipers and pipe bands are being asked to play "Diu Regnare". There is also a Beacon Trail in the four weeks ahead of the Jubilee with seven venues chosen around a local area, to learn about a different decade in the Queen's reign. I am also considering local events, such as a jubilee tea parties, leisure open days, and themed planting.</p> <p>Various additional measures including increased bin number, bin sizes and additional collections were introduced proportionately during the 2021 summer season. It is proposed to include all of these measures during the 2022 season. The exact starting point of enhanced measures will be judged by officers and will depend to a large degree on weather and covid conditions.</p> <p>Officers from the Engineering team have obtained proposal from a specialist engineer for a high-level survey and assessment of conditions and identification of areas of risk. This will be rolled out over the course of the coming year and additionally mapped against</p>
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	<p>“The Queen’s platinum Jubilee – is there a budget line that is going to be rolled out to the different Wards”?</p> <p>Is it your intent to provide funding with the Jubilee Parties across Tendring?</p> <p>Have we applied for some of the grant funding by the Government for the Jubilee? 4.</p> <p>Is there any reason why we haven’t applied for that?</p> <p>Could we looking to find the funding by the end of January?</p> <p>Can you confirm whether TDC have actually allocated its own budget set aside for the Jubilee celebration?</p> <p>Is there any plans to have an astoturf pitch installed in the Frinton and Walton area?</p>	<p>adjoining public and private sector properties that derive risk or benefit from slopes in different locations. In addition, initial discussions around legal issues have highlighted areas of law that include different principles depending on the exact nature and root causes of issues that make potential responses quite nuanced. It is likely that specific Counsel’s advice will be necessary in establishing the position in relation to scenarios that relate to the physical and geographical work as above. Work and research is ongoing.</p> <p>April is the final deadline that you have to respond to national events but, we may have done this before.</p> <p>I am not sure yet. Of course we have the events grants where lots of events have had money put toward them so hopefully we can do something similar with this. However it is something I would approve if the budget was there.</p> <p>Not yet. We have got the Clacton 150 funding from Government which is a 2 year set of funding. So this actually cover the Jubilee year.</p> <p>We haven’t yet, I am not saying we won’t but we have not made that decision yet.</p> <p>Yes.</p> <p>No we have not got a specific Jubilee celebrations budget.</p> <p>If the pitches you are referring to are ordinary grass pitches they wouldn’t come under me, it would</p>
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	<p>Reference to your answer about the second written question with regards to sports and leisure facility not been highlighted in the highlight priorities. Concerned that you stated we cannot include everything that is important within the priorities. How do you grade importance because sports and leisure is an important key feature of our local plan? In terms of corporate investment plan can you say what would be being looked at for sports and leisure facilities? If it is not included in highlight priorities would it be included in the corporate investment plan?</p>	<p>be open spaces not leisure. In terms of second question, yes if we can get funding to do that sort of thing. Like the one with Clacton and we are looking are other option elsewhere. As the football association want to see more of this, and they have their own plan in place. At this moment in time no there isn't any plans for a pitch in Frinton. There has been talk about it, possibly joint use with the school however there isn't any funding for it.</p> <p>Sports and Leisure facilities are not a statutory requirement and it is something we should do for the people that live in Tendring. In terms of future investment we are already there with what is going on in Clacton which is still in the future. Still waiting for this to happen as Covid has caused it to move slowly. Similar to the Skate park and the potential in Harwich as well. We don't know what will happen in places like Brightlingsea in terms of what funding may become available. At this point in time we don't know but we are always working towards funding and getting more things built and more things done.</p>
<p>Cllr. Newton 10.20am-10.35am</p>	<p><u>Town Centre Renewal/Improvement</u> "Is there a long term plan for our town centres? i.e. Clacton, Harwich, Brightlingsea, Frinton, Manningtree How long are we going to hold on to monies that have been identified for match/contribution to any funding applications instead of going ahead with specific parts of said projects that will</p>	<p>Our Levelling Up Fund bid put forward improvements to Clacton town centre. Funding running into the tens of millions is of course highly competitive and while the bid was not ultimately successful, it was strong enough to reach the short list that went before ministers. We are awaiting the delayed publication of the Levelling Up White Paper to see the timeline for any application to future rounds of funding.</p>

	<p>make a difference”?</p> <p>“How many more failed bids would it take to trigger this”?</p> <p>With regards to the Freeport East, are there any priority plans in place and whether there is any budget or any funding that needs to be allocated to that project?</p> <p>Do the officers have enough resource on this project?</p> <p>Can you confirm that currently you have enough officer</p>	<p>We have also made good progress with our Local Plan which allows more flexibility for businesses and changes of use in all of our Town Centres to help keep them vibrant and to help tackle issues around vacant property.</p> <p>The next levelling up fund has to go in, in March. We are just waiting for them to tell us. Everything we do really depends on what the port Felixstowe do with their section and what they are deciding to do with Bathside Bay. When we get the next paper that goes in for the funding we also need to work out where they are going. They are talking to various green projects and that will possibly be the first thing that will go into Bathside Bay.</p> <p>There is resource to get the project up and running and there has been resource to the lead authority where their project coordinator is pulling that together. There is resource coming from Government to support this project and we are putting into that from the economic growth team under Cllr Mary Newton. When the project is able to come forward and the project is successful it will then itself generate income back to then put into the regeneration projects itself. So the key thing is to get the final business case through and to get that agreed by Government for the port to bring forward the clean energy hub. So the focus for the next 3 months is working with those partners. We have got a programme of activity underway and resources behind it.</p> <p>Yes.</p>
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	<p>support right now to work on that project?</p> <p>Explain exactly what the levelling up programme is, currently how much money is in the budget external of bids being put forward and whether or not we have a business case and costings for other areas we have outside the free port?</p> <p>Do we have a programme aimed at levelling up outside of Government bids?</p> <p>To clarify, we are waiting in the white paper, then we can add our localised initiatives to that white paper?</p> <p>Are we not making a decision on the budget that we have for other projects until we know exactly where we stand again with the levelling up project?</p> <p>Why are we letting the Town Centre be left with no maintenance?</p>	<p>Our levelling up fund bid that we put forward unfortunately there was just not sufficient money, we did not succeed in our bid so we had to relook at what we had done and submit it again.</p> <p>Levelling up is a broad concept, so it doesn't just sit in one line it relies on a whole bunch of council activity. The council has put aside along with the county money to support external bids because there has significant money on the table. Until the levelling up white paper comes forward it's hard to know whether it is worth going forward just with ones own initiatives or external ones.</p> <p>Yes</p> <p>Yes. Unfortunately I would say all of the costings we have for various projects have all come back and are virtually double.</p> <p>The issue for the levelling up fund is that we weren't successful with it. I would say it's as much to do with the cost and more to do with the unsuccessful bid.</p> <p>There are changes going on within the town for example the closure of mothercare and savers moving to that building. As for the lights and the other parts some of it is down to us and some of it is down to County and I think again people are making strides and we are aware of it. It is just finding the finances to</p>
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	<p>I was talking about the lampposts that do not work and the trees light are working.</p> <p>Mentioned new local plan which will hopefully be fully adopted by the end of this month. Contained within the new local plan there are great opportunities for local business, jobs and improved local economy. To maximise these great new opportunities are there plans to market these and do we have enough resource and budget set aside?</p>	<p>be able to make the changes.</p> <p>I will do my best to speak to those and ask them if we can get something done as a matter of urgency.</p> <p>I know that the regen department are working very hard with local business and with the developments going forward hopefully we will be able to get further employment into the Town and into the district.</p>
<p>Cllr. Honeywood 10.40am- 10.55am</p>	<p>“I seem to recall that 200 new homes were going to be built in this administration – how is that going”?</p> <p>“Are the 20 bungalows due to</p>	<p>The aspiration is for 100 homes in the Jaywick Sands Area and 100 elsewhere. It is not specifically to build such homes within this administration. In our Housing Strategy adopted in 2020 we indicated an aspiration to deliver 200 additional homes within the lifetime of the strategy.</p> <p>Since the Council’s Housing Strategy was adopted in 2020 a total of 29 new homes have so far been added to the Council’s stock by way of gifting, acquisition or new build. The Cabinet has appropriated the disused Weeley office site for housing purposes, the delivery model and number of homes is yet to be formally decided. The Council’s property team has identified a further thirty potential sites for detailed consideration of development potential. The potential capacity of those sites ranges from single plots to up to ten homes.</p> <p>Dwellings on the Honeycroft site</p>

	<p>be built on the Honeycroft site all for council tenants or is this going to be run by a Housing Association and can we be assured that the development will be completed before the end of the year”?</p> <p>“Where are the other two sites mentioned”?</p> <p>“How many properties will be delivered on them – given 10 will be council homes we are looking circa 30.....”?</p> <p><u>Jaywick Sands Place Plan</u> “Long term strategic plan???</p> <p>Wasn’t this already done when various funding was applied for or was it a short term strategy, I seem to remember pictures of Miami-style developments along the front”?</p> <p>“Will the building of 100 (of the 200) new homes still be included and who will be delivering them”?</p>	<p>will be Council owned and managed. Typically a new development can take three years or more to complete from the initial planning stage and it was never the intention that this development would be completed within this year. The aspiration is to complete the design and build tender and planning processes in order that commencement of the development will occur during the year.</p> <p>The two sites that are under consideration are: Redundant land North of Seaview Avenue Little Oakley with an initially assessed capacity of twelve units (subject to detail design and planning) Redundant Garage site at Fernlea Road Harwich with an initially assessed capacity of five units (subject to detail design and planning)</p> <p>In total these sites could deliver 17 new homes.</p> <p>There has not yet been, certainly in recent years, a long term strategic plan for Jaywick Sands. There have been previous planning applications for small scale development which is possibly where you have seen pictures or artists impressions of alternative types of housing.</p> <p>The plan will include references to the development of land in Jaywick Sands. It will not specify who will be delivering them but will provide a mechanism for potential developers</p>
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	<p>“Whilst I understand the concept of building and selling new homes in Jaywick Sands to encourage investment, it seems that the concept in this case is failing so how long before the unsold new homes are considered for rent”?</p> <p>“Improving housing conditions – are you compiling a register of private landlords? (Something that should be Tending wide and could contribute in a small way if such landlords were charged a small fee)”.</p> <p>“In previous years this Committee has argued that monies be retained in the HRA for capital investment in the Council’s existing stock. Do you feel the level of maintenance in the proposed budget is sufficient given that in 2020/21 and in 2021/22 we had to pause or curtail works on the stock due to the rising cost of those works in those years compared with the budget”?</p>	<p>to present proposals.</p> <p>The new homes in Jaywick Sands were built with the benefit of a starter homes grant from Homes England. We are currently in dialogue with Homes England around alternative options for the five starter homes that have not yet been sold. I am open to the possibility of renting the homes in some way and once a preferred option has been found will bring a report to Cabinet for discussion and approval.</p> <p>We are not compiling a register of private landlords beyond the details that are already used by our homelessness service. I do not believe that a register of landlords on its own is likely to improve housing conditions. We have a very effective Private Sector Housing service who work to improve poor housing in the private rented sector through both informal and formal engagement with landlords.</p> <p>We have increased the budget for 2022/23 by £222k to reflect rising prices and demands on the service. Whilst it is difficult to accurately project likely spend during the year the revised budget is considered sufficient. A budget has also been included for a Stock Condition Survey, with a budget of £100k, the results of which will assist in setting future budgets. These proposals will be presented to the Chair of the Council’s Tenants’ Panel on 19th January for consultation with the Tenant’s panel for their approval. Our housing repairs team have been taking action to reduce voids costs and times with the objective of minimising the overall impact on the HRA budget.</p>
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	<p>Specifically looking at the 20 bungalows in Honeycroft that are planned. Would these be subject to right to buy and does that move the goalpost in terms of how many homes the council is building?</p> <p>What is the timescale on right to buy? (Do you have to be there for a certain amount of years before) and in terms of right to buy holiday, is this council talking to the relevant Government department to possibly bring this forward?</p> <p>What sort of time period then</p>	<p>Honeycroft did have a sheltered housing scheme on the site and what we're looking at is a sheltered housing scheme in name but not as you know it. Looking at the possibility of a series of independent bungalows with the possibility of a separate building that looks like a bungalow that is used for administration, visits by nurses, etc. But it will blend in with the rest of the site. I don't know if it will be subject to right to buy, there is a possibility it wouldn't. We cannot deliberately avoid the right to buy.</p> <p>For the second question, we did have Cabinet officials from London down and talked about a white paper for this that is due out this year on housing. So what we tried to do was put forward suggestions rather than just asking for money. One of those was a suspension of right to buy for an extended period.</p> <p>The timescale to focus on is the cost flaws. So if we build a property, the tenant meeting the criteria can buy that house from the day that it's built. The cost flaw means that they would want to discounts applied and then add on the cost it has taken to build it, it means it would cost more than they would want to pay for it in year 1. That cost flaw diminishes over the course of 15 years. So what we have spoken to government about is extending that cost flaw to over 30 years which is the length of the HRA business plan. So the idea is the rental costs of 30 years mean the house will have then paid for itself.</p> <p>I haven't put a timescale on it, it is</p>
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	<p>for this holiday period?</p> <p>Weeley is now vacant, what reassurances have we got that this is either going to be sold on as a private deal, or the demolition of it?</p>	<p>an extended period of time.</p> <p>I believe this will either come under Cllr Guglielmi or Cllr Stock. I do know Cllr Stock would like the building demolished as soon as possible.</p>
<p>Cllr. Talbot</p>	<p>“Under the Climate Change Action Plans for 2022/23 it is stated ‘In particular, the Council will focus on electric vehicle charging infrastructure, and consideration of the opportunities for solar,...’Can the portfolio holder expand on the proposals for extending EV charging infrastructure across Tendring in terms of numbers and locations of charging points, resources required, and timescales. Could a specific reference be made to proposals for the ward of Brightlingsea which at the moment has zero public charging points available”?</p> <p>“Could he also expand on what is meant by ‘consideration of the opportunities for solar’ in terms of application to council properties, power generation and support for residents across Tendring”?</p>	<p>The Council proposes to focus initially on Council owned car parks where it has control and the ability to carry out installations. It is proposed initially to focus initially on areas where demand supports shorter term activity and to install technology over time and to match evolution in the methods available. I can’t comment directly on Brightlingsea at present but it is the intention of the officer team to install according to needs and that does suggest that provision in all parts of the district will be made. Additionally market and technological evolution will evolve solutions for denser residential and on street settings. The Council will seek to deploy such solutions when appropriate.</p> <p>There is potential to deliver photovoltaic microgeneration on Council owned housing. A number of delivery models are available ranging from no capital investment where a funder and installer partnership install equipment free initially but in expectation of selling electricity to tenants and any surplus to the grid. At the other extreme, the Council could purchase and install the equipment itself and benefit from any revenues. In either case the Council and environment would benefit from the emissions reduction. It is proposed to carry out a detailed analysis of the options in order to ensure that a delivery model that benefits tenants as well as the Council and environment are optimal.</p>

	<p>“Are we prioritising vehicle charging over solar panels on the council’s buildings”?</p> <p>“What electric vehicle charging are we looking at – i.e. rapid, standard and where? Do we have an estimate of costs? How many and where? How far along are we with using electric vehicles for our services”?</p> <p>“Given the soaring costs of gas and electricity are we looking to install solar panels on all/ay of the council’s buildings? Has there been any research into how much this would be likely to cost and how long it would take”?</p> <p>“Commitments about Environmental service delivery:-</p> <p>Given there are new regulations (coming) from government with regard to</p>	<p>Yes. There is growing demand for electric vehicle charging as I have mentioned whereas the advice following detailed survey and external advice is to focus initially on reduction in demand in relation to Council buildings with potential generation options to be considered at a later stage.</p> <p>I’ve mentioned already that the initial focus will be on car parks. It is likely that practical and economic factors tend towards the larger car parks in town locations, with options on precise location, number and capacity yet to be determined. The officer team is working closely with an external advisor in order to optimise equipment, location, charging and funding decisions will be optimised. The Council currently operates one electric van. Technology does not presently lend itself to plant or lorries such as refuse collection vehicles. The wider roll out of greener technologies to the owned and contracted fleet is identified for later stages in the delivery programme.</p> <p>I’ve mentioned that the advice is to begin by reducing energy use and demand, a Fabric First approach. Generation options naturally fall for consideration once demand is reduced and technology and delivery options further mature.</p> <p>Waste handling and reduction are key parts of any environmental strategy. The team is fully aware of government policy changes, County-wide strategy and issues arising from the circumstances around the Mechanical and</p>
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	<p>waste and recycling collection together with the developing County Municipal Waste Strategy, why is this a priority when much of it is outside our control OR Is there scope for us to bring the service in-house”?</p> <p>Poor state of repair of our football pitches over in Frinton and Walton, as referred from Councillor Porter earlier.</p> <p>Given the recent problems we’ve had with energy providers going to the wall, could the PFH give any assurances that in the event of private companies providing energy to council tenants the relevant safeguards would be in place to protect those tenants, and the relevant clauses will be inserted to ensure the tenants aren’t held hostage to the high charges that private companies inflict? With regards to green technology being introduced would it be possible for PFH to give some idea of costings and effects?</p> <p>Can we have some sort of costings for the green policy?</p> <p>Can you ask if we are going to receive any revenue back</p>	<p>Biological Treatment plant. A key plank of proposed activity is to react to these changes, to take forward the service but also having regard to the financial costs to the district and its residents. Bringing the service in-house would require a large investment in equipment, staff and facilities. It is not currently proposed.</p> <p>I am not aware of anything.</p> <p>After my last statement of the council meeting I was asked questions similar to that and I did make enquiries to the answers to that and there is still discussion going on, there are such a variety of ways. Reports of alternatives are being considered, discussions with contractors offering various things such as free installation with quid pro quos. There isn’t a firm policy on the issue at the moment, rest assured the matter will be taken account of and directly arising from your comment today I will have a conversation with Tim R Clarke who deals with most of this in our housing area and seek some assurance that any policy that is eventually put to us does include some kind of control for the tenant.</p> <p>The cost was published in the original report but it was estimated that by consultants that it would cost us £7.5million to do what was in the report that was made to council. There has not been another figure quoted since then.</p> <p>I don’t know the detail but in achieving climate change</p>
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	<p>from that figure?</p> <p>Ground staff, mostly the conditions of pitches is good but there has been a few comments about staff numbers being reduced. Is the budget satisfactory to provide us with the resources that we require to keep on top of the maintenance of these pitches?</p> <p>Clarity of which Portfolio football pitches will fall under?</p> <p>Have we got a plan for electrical vehicle infrastructure in the next 12 months and will that be allocated resources within the corporate investment plan?</p> <p>Is there any considerations in the budget for another dog warden?</p>	<p>objectives is going to cost money. There will be some savings, for example it's unlikely the electric charge for cars will be high as fuel.</p> <p>The maintenance of the pitches would not be in my Portfolio however the vehicles would be. I have had no comment that the provision is inadequate. I have insisted when we replace any vehicle we talk to either the company we are purchasing them from or the person we are hiring them from that we will be looking for electrical alternatives.</p> <p>It does fall under open spaces but I haven't had any reports back from the head of service that there are any issues with staffing in relation to pitches or open space maintenance.</p> <p>Consultants are being engaged to look at our area. We need to know sort of charging we want, what the availability is of power, so all of these are under consideration. There is a government scheme that makes grants to authorities for building car parks in places, it's not enormous amounts of money but in total you can have a maximum of 40 places in your location. There is no specific answer at the moment.</p> <p>No there isn't any intentions that I am aware of.</p> <p>We have 2 substantive Dog Warden posts, of which 1 Dog Warden is seconded to the Community Ambassadors, we are now looking at funding to lengthen the duration of the Community Ambassadors posts which should</p>
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		<p>in turn allow us to back fill the vacant Dog Warden Post.</p>
<p>Cllr Guglielmi</p>	<p>“Given that there are funded projects and Initiatives with allocated budgets of £12,221,640, some of whom have been carried over for years without implementation or development, is it possible that some of this unused resources could be redirected to protect service delivery. For example there is a Town Centre Fountain budget of £159,080 on the list which is clearly not going to be used, which has been carried over for years. Can this money be re-allocated to protect front line services?”</p> <p>Weeley Crematorium with regards to it being non-operational – What impact has that had on us and is there lessons to be learnt?</p> <p>Bearing in mind we are planning to replace it, are you going to issue a statement to</p>	<p>The short answer is that the money that has been set aside for the fountain has always been earmarked to replace the attraction in the town centre.</p> <p>There are very few specialist firms that supply that kind of equipment. As it is such a bespoke piece of equipment it very limited as to where you can go and purchase them. So when it was bought the procurement rules had all been observed. The report that Cabinet considered in December it went into details of where this can be purchased from and there is only 2 sources. Unfortunately the place we originally bought from are no longer trading, we haven't managed to keep it going for as long as it did but as soon as that became an issue we had begun discussions on potential replacements. We have identified funding for a replacement. We hope to have it replaced as soon as possible the impact it has had on our budget is £300,000 loss which was reported at the Cabinet meeting in December.</p> <p>Yes, the situation is Cabinet formally agreed the funding and approved the report in December</p>

	<p>residents to keep them updated?</p> <p>Queen’s Jubilee – Is there any chance that we can identify something from underspend or what did I need to do to fund this celebration?</p> <p>As this is the first year we have gone with net zero budgeting, could you provide your thoughts on what you hope this will achieve?</p> <p>Is the corporate investment plan hopefully going to help with delivering on some of these projects?</p>	<p>as you are well aware a process in place with local government purchases of stationary items not on the shelf and we hope to replace it in the very near future, as soon as there is some information we will be happy to share it with residents.</p> <p>This is something I would rather you raised with Cllr Porter as it is his areas of expertise and I am sure we will be discussing it going forward.</p> <p>To reflect this event of budget scrutiny has taken place due to the circumstances of the last year. The financial position of the council is still be affected by Covid-19. We always try to look at alternative ways to Manage our finances. We are in a very strong financial position compared to other authorities throughout Essex. We have delivered an excess of 900 new homes this year. Another growth is business rates in which our financial strategies are very much underpinned and therefore we are confident going forward.</p> <p>Absolutely and the corporate investment plan hopes to formalise the delivery of projects. One example is Honeycroft, which is part of our focus priorities in November I signed off a sum of money to put in place a project manager which would give a very clear timescale on what needs to be done and the corporate investment plan will guide officers now to be as comprehensive as it possibly can. For example the Starlings in Dovercourt Town centre that is money that we have chosen to invest there to improve</p>
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	<p>Lee Heley (Interim Corporate Director, Projects & Delivery) stated this would be up and running by March, do you think this will be achievable?</p> <p>Would you say Back to Business (B2B) has been successful and is there any plans to extend this and continue to support small businesses?</p> <p>The relationship between the corporate investment plan and the current budget priorities? And how are you going to deliver?</p>	<p>the public realm, to give more confidence to already existing businesses. The corporate investment plan will focus officers and members. Another example is services providing reasons before gaining top up on budget.</p> <p>Yes as this will be a focus.</p> <p>Yes it has. Covid is still here and we have just taken a new business support grant. 2.20.40. We have got a number of businesses which applied and the money ran out. The intention is to redirect those businesses to the new grant. With the limited amount of workforce that we have we have already given out in excess of £50 million pounds worth of grants. There is a piece of work going on to evaluate just how good B2B has been and then see if we are able to keep it going.</p> <p>We recently introduced the performance report, and we are happy to include the corporate investment plan to performance report. We mustn't lose sight that the £12 million sitting in reserves are for projects that approved and are waiting to be delivered so that money is there for a purpose. Going forward the corporate investment plan will formalise the process. We still need to achieve savings and for the last 2 years officers have been diverted to do other things.</p> <p>In terms of the accountability as the B2B plan and the list you have referred to as well, these will almost morph into a physical thing as a part of the corporate investment</p>
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		<p>plan that will go to Cabinet in February.</p>
<p>The Leader</p>	<p>What you think the purpose of the highlight priorities is?</p> <p>Tourism – Talk of acute shortage of places to stay in district, is there a way to promote more places for people to stay in the area to support economy?</p> <p>Garden Communities – One of the stand out amounts is for Garden Communities which is £1.3million. How do you see the Garden Communities in terms of their physical development in the next 2-3 years? How do you see it in budgetary terms?</p>	<p>We are trying to now bring together the budget setting process with the priority setting process. We can set the priorities but if there is no funding for it, it won't happen. Likewise for the budget. So this will ensure we are spending our money and trying to achieve the priorities.</p> <p>We want to support businesses, employment, wealth creation and job creation across the district and tourism is a major way of doing that, but it relies on the fundamental infrastructure of the place. One of the ways we can do that is through planning, we have quite advantageous planning policies for the creation of tourist accommodation. An example is Clacton Town Centre struggling and say you suggest that we need more Café's and less mobile phone shops but we cannot tell business owners to shut their shops down. Also if there are empty shops and we want to put a café there we can't just do that, what we can do is create an environment that we are open for business and want people to invest in Tendring.</p> <p>Within our corporate plan we talk about community leadership so some of things as Cllr Stock mentioned we can deliver, some of the things we facilitate, and some of them is about influencing things. Around facility, looking at the airs how (pre-pandemic) we began having night-time shows. So rather than the airs how finishing at 4pm, it went on later and it pushed people into staying until the evening and some stayed longer, resulted in seeing the Town much more vibrant. Another part is actually just telling people about it.</p>

	<p>Garden Communities – What assurances can you give that while we are doing all of this we are not left open to years of additional costs, caused by e.g. running leisure centres. In regards to new Freeports, what assurances can you give in our haste to declare a climate emergency the green agenda isn't going to a cause a barrier to expansion we are doing in Harwich?</p> <p>What assurances can you give that this council will have sight of the document before the board signs it so it can be scrutinised here?</p>	<p>The final part is our leisure parks and the hard part is convincing them to go to the Towns and using the area around.</p> <p>The cost to this council in terms of the communities is to the Planning functions, we are not going to be building house. In terms of when things will start happening, I think the link road is a key thing and we will see the link road begin as the first part of the development, I am optimistic that this will happening in the next 18 months but I can't guarantee this. From that I don't know as it's up to the developers but from first house to last house it could take 50-60 years. Hopefully it will be developed in a constant manner, maintaining the integrity of the attractiveness of the place. I think there are bigger and more exciting things that could come out of the garden community, for example is this the kind of place we could get a sport facility put in.</p> <p>I have been clear that we need to do everything we can without stopping us providing our services to resident. An example of this is when people ask how can you declare a climate emergency but still run the airs how, but that is key part of our industry. The stronger we are economical the easier it is to help with climate. Unfortunately I cannot guarantee that costs won't emerge later on down the line with regards to the garden communities. Ian Davidson – With that number of house there will be an increase in Council tax base. We are not the developer and it's about what they put in place and how they fund it. That stewardship will be important.</p> <p>It's my understanding that the joint committee doesn't have any</p>
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		<p>powers to it and any future funding obligation would be made by this authority.</p>
<p>Cllr McWilliams</p>	<p>“In the proposed highlight priorities for 2022/23 you say that the three key offences that will be concentrated on are dog fouling, littering and fly tipping. I wonder whether you have a figure in your head for the number of Fixed Penalty Notices that will be issued over the 12 months the priority relates to in respect of each of those three priority areas”.</p> <p>“I was also interested that Anti-Social Behaviour, where the public had a reasonable sense of fear for their safety, was not itself identified as a priority given the concerns raised by residents”.</p> <p>“Is Dog poo is more of a priority than ASB”?</p> <p>“Are the Ambassadors STILL being trained”?</p> <p>“How many fixed penalty notices have been handed out</p>	<p>Whilst focussing on the three offences of dog fouling, littering and fly tipping Officers will be using a range of engagement / enforcement methods to address these issues, including issuing Fixed Penalty Notices when and where appropriate. However it is imperative that Officers use the 4 E’s approach to Enforcement and it is impossible therefore to have a suggested figure of Fixed Penalty Notices issued in the 12 month period. We will be logging all engagement activity and will be able to advise where the Council has been successful in preventing dog fouling, fly tipping and Littering, with and without having to issue Fixed Penalty Notices.</p> <p>The Committee received a detailed report on 1 November 2021 regarding all Enforcement activities across the Council. Enforcement activities are reviewed on a monthly basis at the Corporate Enforcement Board and the number of FPNs that are issued during 2022 will be reported back to the Corporate Enforcement Board and O&S.</p> <p>The Fear of Crime / safety is reflected in the Council’s Community Safety Partnership plans and is therefore dealt with by using a partnership approach to tackle some of these fears and by getting to the root causes of what is making the public fearful.</p> <p>This matter is also addressed in the Essex Crime Prevention Strategy</p>

	<p>for the 3 areas mentioned”?</p> <p>“How do the Ambassadors trace fly-tippers”?</p> <p><u>Health inequalities</u> “When will the new Family</p>	<p>2021-2025. This document provides high level priorities and is a joint document produced by Essex Police, Police , Fire and Crime Commissioner for Essex, Voluntary Services and Safer Essex (Tendring District Council is a partner of Safer Essex).</p> <p>No, one type of Anti-Social behaviour is not more or less of a priority than any other. However there are more serious ASB offences than dog fouling. Each ASB is dealt with accordingly.</p> <p>The Ambassadors have received all the necessary training to issue Fixed Penalty Notices.</p> <p>A detailed report regarding all Enforcement activities across the Council was provided to the Committee on 1 November 2021 and further updates will be provided to the Corporate Enforcement Group and O&S. The FPN booklets and notepads have been issued to the Ambassadors in post (Jan 2022) and penalty notices will be issued when other types of Enforcement activity have been unsuccessful. No FPNs have been issued to date, but there a vast number of examples of Enforcement activities across the Council as detailed in the November report.</p> <p>Any of the staff involved in fly tipping have recourse to a range of investigation techniques, including:</p> <ul style="list-style-type: none"> • Witness testimony • CCTV (where applicable) • Searching waste for identifying material <p>Conversations are currently ongoing in terms of employing an</p>
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	<p>Solutions worker be in post”? “Given the rise in gas and electricity prices are there any plans in place for the likely increase in health inequalities”?</p> <p><u>Education</u> “Youth provision seems to be limited to early evening hours, are there any plans to extend hours to provide activities to those that are at a loss end a bit later”?</p>	<p>individual to undertake this work. This is funded through North East Essex Health and Wellbeing Alliance money and needs to be spent by March 2023 and therefore it is proposed to recruit as soon as is practicable. (Discussions are already occurring as to whether the March 2023 timescale can be extended).</p> <p>The Alliance funding will also be utilised to fund a Fuel Poverty Officer who will focus on the deprived areas in our area to help access opportunities to keep their homes warm. Following determination of the exact outcomes to be achieved this post will be advertised shortly.</p> <p>Details about the funding and posts are on the Community Leadership O&S agenda on 31st January 2022.</p> <p>The Youth Service is part of Essex County Council and they have previously given updates at various Council meetings including CLOS. I am sure they would provide members with an update regarding provision across the District.</p> <p>This query was raised with Essex County Council and local provision is as follows in Clacton (Green Lodge):</p> <p>Monday – Simply the best – SEND club 6-8pm Tuesday – Generic Youth Club 5-7pm and then the building is used for the RESPECT project until 9:30pm Wednesday – INTERACT use the building for a SEND activities club until 9pm Thursday – Drama club 4:30-6:30pm and then Police Cadets use the building until 9pm</p>
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	<p>wait till end of June? Where are the play areas for young children whose parents don't have cars to travel to decent ones"?</p> <p>"Isn't completion of the skate-park in Clacton a priority? - a failed priority from last year".</p> <p>"The Tendring Community Fund was approved by Council on 11 February 2020 and the Leader said he wanted to get the £500k of funds allocated to Community Groups early in 2020/21. Where are we with this allocation"?</p>	<p>Delivery Pilot to be delivered on Holland on Sea although is awaiting legal agreement for how to exactly drawdown the capital funding as there are no existing examples of capital spend. Further progress we made once legal agreement has occurred.</p> <p>In Cllr Placey's own ward discussions are under way with a new developer and owner of a significant residential site. It is the ambition of the officer team that the proposals be delivered quickly after agreement.</p> <p>The Skate park is an important investment in Clacton and will offer a new facility for the district. The Council has commissioned the contractor to create a detailed masterplan and proposals for the wider site, next to the Leisure Centre, and following this work will contract for the build.</p> <p>The work of the Tendring Community Fund Working Party was delayed due to the Council's response to the pandemic and also external funds were secured early in 2021 from the DHCLG (Community Champions Fund) which allowed the Council to use external funds to support community groups across the District. The Tendring Community Fund Working Party also had to review membership via Group Leaders due to the death of Cllr Joy Broderick. The Working Party held two meetings in 2021. The first was not quorate so the meeting was re-scheduled and at the second meeting the Working Party discussed initial ideas in relation to the terms of reference for the group and application processes for the distribution of funds. Officers are</p>
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	<p>“I have read what you have said about the highlight priorities for 2022/23 and I was surprised not to see any mention of measures to address the scourge of suicide locally that takes so many lives and for which Clacton is regrettably renowned nationally. Should these measures not be the focus for highlight priorities going into 2022/23”?</p> <p>“Can you let me know what the position is in relation to the Sports England/Active Essex Pilot and what lessons have been learned and are informing next year’s priorities for encouraging activity levels among all sections of the community”?</p>	<p>currently drafting terms of reference and a draft application process which will be discussed by the Working Party and following this meeting an update report will be submitted to the Cabinet meeting in March.</p> <p>The lead partner for suicide which was the Public Health team at Essex County Council has now moved to the North East Essex Health and Well-being Alliance (Alliance). It is currently proposed to follow national practice in relation to addressing issues around suicide which requires a system wide approach focusing on seven key areas to address the multiple risk factors. The council is part of the Alliance which is likely to be the most appropriate way of helping to tackle suicide in the longer term.</p> <p>The Sport England Local Delivery Pilot has seen the allocation of £850,000 at a total of 1.6 million for the Tendring area and has seen the delivery of projects such as Essex Pedal Power which will provide up to 1200 bikes to people in Jaywick Sands and West Clacton, Beat the Streets in Harwich and Dovercourt which got over 2800 people active, supporting the octopus sculpture trail, delivery of a number of micro-grants such as community drumming or activity through mini trampolines and approval of capital projects around an older persons gym, wheelie strip and a bike kitchen. All projects are evaluated by the evaluation partner of the LDP which helps to show increases in activity across the area.</p> <p>The AMB on 7 September 2021 included an update on the work</p>
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		related to suicide prevention and the Community Leadership O&S also received an update paper on work relating to suicide prevention in November 2021.
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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 27TH JANUARY, 2022 AT 10.30 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley and Placey
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Gary Guiver (Acting Director (Planning)), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors King, Miles and Steady (with no substitution).

22. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 30 September 2021 were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

24. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

25. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT - OCTOBER 2021 TO DECEMBER 2021

The Committee heard an oral report from Gary Guiver (Acting Director (Planning)) in relation to the development of the new Planning Enforcement Policy and that a new Planning Enforcement Manager had been appointed as well as two new Officers.

The Committee also heard how one of the major aspects of the new Planning Enforcement Policy was a Considerate Constructor Scheme (CCS), and how this would now be in the conditions for new construction. The CCS gave residents a new avenue of communication with developers if they were unhappy with construction in the District.

Members were informed that the in the old Enforcement Policy there was a scale to assess the severity of breaches to Planning. Impact to a grade 1 listed building sat at the top of that scale with other minor breaches probably falling through the cracks. The new Enforcement Policy would give the team some discretion in evaluating complaints they felt might not score high on the scale, but believed it was in the public interest to pursue.

The Committee thanked Gary Guiver for his report.

Members were provided with a periodic report on the Internal Audit function for the period October 2021 – December 2021, as required by the professional standards, as follows:-

- *A total of 10 audits had been completed since the previous update in September 2021. Seven audits were in fieldwork phase and fieldwork was complete in one audit which awaited agreement of the draft report. The final six audits had been allocated.*
- *All audits completed in this period had received a satisfactory level of assurance.*
- *A request for a minor restructure had been made in order to increase the part time Audit Technician role to a full time role and to remove the part time Senior Auditor post from the establishment.*
- *A request had been made to defer the review of the Quality Assurance Improvement Program to complete in time for the March 2022 Audit Committee meeting.*

After a brief discussion the Committee **NOTED** the report and **RESOLVED** that:

- a) the Procurement Audit be changed to a consultative review in order to support the transition of new procurement arrangements; and
- b) the Quality Assurance Improvement Program (QAIP) review be deferred until March 2022.

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

The Committee had before it a report on the progress of outstanding actions identified by the Committee along with general updates on other issues that fell within the responsibilities of the Committee. The Committee also considered the proposal to opt in to the Public Sector Audit Appointments (PSAA) arrangements for appointing External Auditors from 2023/24.

Members were reminded that a Table of Outstanding Issues was maintained and reported to each meeting of the Committee. This approach enabled the Committee to effectively monitor progress on issues and items that formed part of its governance responsibilities.

Members also heard that updates were set out against general items, external audit recommendations and the Annual Governance statement within Appendices A, B, and C respectively and that to date there were no significant issues arising from the above, with work remaining in progress or updates provided elsewhere on the agenda where appropriate.

It was reported to the Committee that the Local Audit and Accountability Act 2014 required the Council to either opt in to an appointing person regime or to establish an auditor panel and conduct their own procurement exercise. The current period covered by the appointed person regime expired in 2022/23 and the Council now needed to consider whether to opt in again for the next five year period starting in 2023/24. Following a review, it was proposed to recommend to Full Council that this Council continues to opt in to the appointing person regime for a further five year period.

After an in depth discussion the Committee **RESOLVED** that it:

- a) notes the progress against the actions set out in Appendices A to C; and
- b) recommends to Full Council that this Council opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors for a five year period commencing from 2023/24.

The meeting was declared closed at 11.30 am

Chairman

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Community Leadership Overview and
Scrutiny Committee

31 January 2022

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 31ST JANUARY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chittock (Chairman), Clifton, Codling, Davidson, Miles, Nash, Skeels and Steady
Also Present:	Councillor McWilliams (Portfolio Holder, Partnerships)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragsic (Performance and Business Support Officer)

[Note: William Herbert (Stakeholder Engagement Manager, Essex County Council), Laura Taylor Green (Head of Wellbeing and Public Health, Essex County Council) were able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

35. WELCOME

The Committee was advised that Councillor Nash had recently been appointed as a Member of the Committee in place of Councillor Amos. On behalf of the Committee Councillor Chittock extended a welcome to her.

The Head of Democratic Services and Elections advised that the position of Vice-Chairman of the Committee for the remainder of the current municipal year would be an item on the agenda for the next meeting of the Committee (as Councillor Amos had held that position until he ceased to be a Committee Member).

36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted by Councillor Chapman BEM (no substitution).

37. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 10 January 2022 be approved as a correct record.

38. DECLARATIONS OF INTEREST

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

39. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

40. SCRUTINY OF PROPOSED DECISIONS

The Committee **NOTED** the contents of the report.

41. RECOMMENDATIONS MONITORING REPORT

The Committee **NOTED** the contents of the report.

42. REVIEW OF THE WORK PROGRAMME

The head of Democratic Services and Elections drew the Committees attention to the work programmer and particularly to the item on Jaywick that was set to be considered by the Committee on 14 March 2022. He advised that the Cabinet is highlight priorities for 2022/23 included the development of a “Place Plan” for Jaywick.

As such he invited the Committee to reschedule its holistic enquiry from 14 March 2022 until later in 2022/23 and the enquiry could look at the process of the developing plan.

The Committee also heard how the scope of this enquiry should look at the impact of the rent cap affecting those in the area. In addition representatives from “Inclusion Ventures”, “Jaywick Sands Revival”, “The Community Land Trust” and the “Jaywick Resource Centres” should be invited to submit information to the enquiry.

In the event that the Committee agreed to reschedule the Jaywick enquiry the item relating to “Children not in Mainstream School” is in the work programme, could be rescheduled for the meeting on 14 March 2022. Relevant Officers from Essex County Council had confirmed they could attend this meeting to support that enquiry.

The Committee **RESOLVED** to **NOTE** the report and otherwise reschedule the holistic enquiry of “Children not in Mainstream Schools” as outlined above.

[Note: Subsequent to the meeting, the Committees meeting on 14 March 2022 was rescheduled to 21 March 2022]

43. ANCHORS WORK UPDATE

Further to the decision of Council on 13 July 2021 (Minute 53 refers), the Committee undertook an enquiry into the Anchor Institution and considered opportunities for taking that work (and lessons from it) to be applied locally to maximum effect.

As part of the Committee’s enquiry, the Committee was provided with a written report from the Assistant Director of Partnerships that referenced:

What was an Anchor organisation.

Members heard that through their day to day practices, Anchor institutions were usually large organisations which were local to place that had 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 were large, typically non-profit organisations like hospitals, local councils, and universities . They had:

- ‘Sticky capital’ (i.e. were 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.

The Essex Anchor Network

It was reported to the Committee that the Essex Anchor network included approximately 20 anchor organisations from across Greater Essex that held meetings on a six weekly basis. The meetings were an opportunity to share best practice, link up the organisations and monitor progress. The current priorities were joining up to support recruitment initiatives such as virtual job fairs and an analysis of financial spend was currently being undertaken to identify where efficiencies could be made.

Ian Davidson was the Chairman of the Essex Anchors work and Ed Garrett Chief Executive of the ICB was Vice Chairman.

As part of the enquiry, the Committee heard presentations from two external partners.

Will Herbert, Stakeholder Engagement Manager, Essex County Council

Laura Taylor Green, Head of Wellbeing and Public Health, Essex County Council

The presentations provided the Committee with an overview and update on the work of Anchors across Essex.

After some discussion the Committee thanked the guest speakers and **NOTED** the contents of the report.

44. HEALTH INEQUALITIES

Further to the decision of Council on 13 July 2021 (Minute 53 refers), the Committee undertook an enquiry into “District wide health levels and Health inequalities due to socioeconomic factors”.

As part of the Committee’s enquiry, the Committee was provided with a written report from the Assistant Director of Partnerships. The report referenced how the Council undertook wider work around health inequality for example in relation to provision of housing and maintaining housing standards, payment of benefits, provision of green space etc.

Members were advised that the North East Essex Health and Well-being Alliance (The Alliance) which brought partners together to address health issues and included (amongst other organisations) the Clinical Commissioning Group (CCG) and East Suffolk & North Essex Foundation Trust (ESNEFT). Through the Alliance, significant funding had been provided by the CCG and ESNEFT to the Council to undertake work around health inequality. In 2021 the CCG provided £200,000 for addressing health inequalities. In addition to this, ESNEFT provided a further £200,000. A spending plan had been developed for the funding which had been agreed by the partners who provided the funding.

Members also heard how the funding was proposed to be used to address health inequalities around housing and mental health. This would fund extra staff and some

funding for external agencies who may have been best placed to deliver improvements in appropriate areas (for example the Family Solutions team).

Will Herbert and Laura Taylor Green both officers for Essex County Council and who had made presentations of the Anchors Scheme (minutes 42 above refers) remained and spoke to the Committee on this matter also.

The Committee thanked the guest speakers and officers for their work and **NOTED** the contents of the report.

The meeting was declared closed at 9.04 pm

Chairman

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Standards Committee

2 February 2022

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 2ND FEBRUARY, 2022 AT 10.00 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Fowler, V Guglielmi, J Henderson, Turner and Wiggins
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Debbie Bunce (Legal and Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Jane Watts (one of Tendring District Council's appointed Independent Persons)

15. CHANGE IN MEMBERSHIP OF THE COMMITTEE

The Committee Services Manager (Ian Ford) formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to the Chief Executive, Councillor V E Guglielmi had been appointed to serve on the Standards Committee in place of Councillor Amos.

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Sue Gallone, Clarissa Gosling and David Irvine, three of the Council's appointed Independent Persons.

17. MINUTES OF THE LAST MEETING

It was moved by Councillor Fowler, seconded by Councillor Wiggins and:-

RESOLVED that the Minutes of the meeting of the Committee held on 27 October 2021 be approved as a correct record and be signed by the Chairman.

Further to Minute 10 (27.10.21), Councillor re-iterated that he had still not been contacted in respect of being this Committee's representative on the Councillor Development Portfolio Holder Working Party.

The Monitoring Officer confirmed that Councillor Turner had been appointed to that Working Party and that it was anticipated that the Working Party would hold its first meeting later on in the month.

18. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members at this time.

19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted by Members pursuant to Council Procedure Rule 38 on this occasion.

20. **REPORT OF THE MONITORING OFFICER - A.1 - SOCIAL MEDIA GUIDANCE FOR MEMBERS 2022**

The Standards Committee considered the Council's Social Media Guidance for Members, which had been last updated in June 2017.

The Council recognised the benefits of communication with residents that Social Media could bring and recognised that it had become part of everyday life for some, if not all, Councillors. It also reached a demographic of society that might not always be reached by more traditional means, plus the speed of communication that traditional correspondence did not lend itself to.

Therefore, the Standards Committee was requested to review the Council's Social Media Guidance for Members in order to ensure that the guidance was clear in order to assist Elected Members in understanding the potential pitfalls of using Social Media.

In addition to the updated guidance, it was reported that a virtual training session for Elected Members had been held on 27 January 2022. The course had covered the following content:-

- *Identify the strengths and weaknesses of major social media channels*
- *Work within the major dos and don'ts of social media*
- *Find and target an audience*
- *Build a 'brand' across platforms*
- *Manage trolls and keyboard warriors*
- *Apply the Nolan Principles/Code of Conduct to their use of Social Media*
- *Identify TDC's existing policies for social media use (and development of future policies)*
- *Identify the Point for Reporting misuse*

Draft updated guidance, which set out some simple rules for members to adhere to, was attached as Appendix A to item A.1 of the Report of the Monitoring Officer and included a reminder that inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

This Committee are asked to re-visit Appendix A at its meeting to be held on 6 April 2022, and to reflect upon the above training when doing so.

Having duly considered and discussed this matter:-

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

RESOLVED that the Standards Committee:

- (a) welcomes the intention of the Monitoring Officer to arrange for the circulation to all Members of the Council of guidance in relation to security settings on social media accounts;
- (b) approves and formally adopts the Social Media Guidance for Members and that it be circulated to all Members of the Council and to Town & Parish Councils within the District; and

- (c) endorses social media use by Councillors being included as part of the regular training programme for members and especially that it be included as part of the Members' Induction Training programme following the District Council Elections in May 2023.

21. REPORT OF THE MONITORING OFFICER - A.2 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

The Standards Committee, as part of its agreed work programme, was updated on the current position of mandatory training for Members (and named substitute members) of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

Members were reminded that the Standards Committee, as part of its annual work programme since 2014, had received a report providing details of the mandatory training provided to members of the Planning and Licensing and Registration Committees.

It was reported that Members of the Planning Committee had attended a session on Planning Appeals on Tuesday 21 April 2021.

It was further reported that members of the Licensing and Registration Committee had been invited to attend their mandatory training session on 28 March 2022.

Mandatory Training in the context of Councillor Development more widely

Members were informed that the mandatory training referenced in this report also formed part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" (as reported to this Committee on 2 October 2019 (Minute 14 referred)). For 2021/22, and future years, it had been recognised that the resources required for training for Councillors (beyond the mandatory training on which this report focussed), would require an additional budget to be allocated. This budget had been expanded from £1,870 to £6,870 as a consequence.

The Committee was advised that, more recently, the Portfolio Holder for Corporate Finance and Governance had established a Working Party to provide a cross-party mechanism for Members' regular input going forward into development opportunities for Councillors. The membership provided for input from all the main Committees of the Council and all the political groups on the Council in a manner that was broadly proportionate to the overall position on the Council as a whole. The first meeting of the Working Party was envisaged to take place later on in February 2022.

The Committee was informed that access to the Local Government Association's online training portal had been arranged for all Councillors and this provided training modules on:-

Community Engagement and Leadership
Councillor Induction
Commissioning Council services
Equality, Diversity and Unconscious Bias
The Effective ward Councillor
Facilitation and Conflict resolution

Handling Complaints for service improvement
Handling intimidation
Holding Council meetings online
Influencing skills
Licensing and regulation
Local Government Finance
Planning
Police and crime panels
Scrutiny for councillors
Stress management and personal resilience
Supporting mentally healthier communities
Supporting your constituents with complex issues

The Committee was further advised that in-house training sessions had also been provided to Councillors during 2021 on Fraud, developing key lines of enquiry for scrutiny work, time management and speed-reading. In addition, a total of 30 places had been booked on external training sessions in 2021, including on Scrutiny essentials, implementing the new taxi and private hire vehicles standards, personal safety for Councillors and (for those elected in 2021) information for newly elected Councillors.

The completed and returned evaluation sheets, circulated following the training sessions provided, were used to assist the Council to refine and improve its training offer.

In addition, further training was provided for Councillors through the All Member Briefings.

Members were made aware that details of training events that they had undertaken were now being recorded on their individual pages on the Council's website (via Modern.Gov). This had commenced with the Social Media training event held on 27 January 2022.

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

It was moved by Councillor Turner, seconded by Councillor V E Guglielmi and:-

RESOLVED that the Standards Committee -

- (a) notes the contents of this report and its Appendix;
- (b) reminds members of the Planning, Licensing & Registration and Audit Committees to attend all organised mandatory training events in order to comply with the requirements of the Council's Constitution and to be able to sit on those Committees; and
- (c) requests the Portfolio Holder for Corporate Finance & Governance to increase the Councillors' training budget from £6,870 to £10,000.

22. REPORT OF THE MONITORING OFFICER - A.3 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

Members recalled that it had been agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would

receive an annual report on declarations of interest and associated matters. The report now before the Committee covered the period from 1 April 2021 to 21 January 2022 and provided statistics on:-

- *the number of declarations of interest made at meetings;*
- *the number of offers of gifts and hospitality that have been registered by Members during this period; and*
- *updates to the Members' Register of Interests.*

The data had been collated from the Committee IT system Modern.gov which the Council had started using as of August 2016 and from Members' submissions.

Register of Members' Disclosable Pecuniary Interests

The Committee was aware that the Council was required to publish the 'Register of Disclosable Pecuniary Interests' on its website in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, which prescribed the categories of interests.

It was confirmed that the Council's website included a Register of Disclosable Pecuniary Interests for all District Councillors and this was updated, when an individual Member provided details of an amendment directly to the Monitoring Officer. Any entry, which was relevant to a business item on an agenda, must be declared by the individual Member and they must subsequently remove themselves from the meeting, unless a prior dispensation had been granted by the Monitoring Officer.

Two individual dispensations had been requested and granted during the relevant period.

Declarations of interest at meetings

Members were required to declare Personal and Disclosable Pecuniary Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 1 April 2021 to 21 January 2022 were set out in Appendix A to the Monitoring Officer's report. Minutes of the meetings also record the declarations.

Use of Blanket dispensations

The Committee was reminded that the Members' Code of Conduct at paragraph 7.3, as agreed by full Council in January 2018, contained blanket dispensations for any business of the Authority where that business related to the Council's functions in respect of:

- housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;*
- school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;*
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or are entitled to the receipt of, such pay;*
- an allowance, payment or indemnity given to Members;*

- v. *any ceremonial honour given to Members; and*
- vi. *setting Council Tax or a Precept under the Local Government Finance Act 1992*

Since their introduction, some of those blanket dispensations had been called upon at meetings of the Cabinet and full Council.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee's review of the Council's Gift and Hospitality Policy for Members, new guidance and a notification form had been issued to all District Councillors in May 2016. There had been no recorded declarations of offers/receipt of gifts and hospitality made by District Councillors in the time period covered by this report.

Updates to Members' Register of Interests

Since the new Members' Code of Conduct had been adopted to take effect in April 2018, Members had been required to register details of their Disclosable Pecuniary Interests and their Personal Interests within 28 days of becoming a Member (or being re-elected or reappointed) or a change in those details, in the Authority's Register of Interests. Personal Interests were defined in Paragraph 5 of the Code as relating to, or is likely to affect, any item of business of the Authority within any of the six categories as set out in 5.1 (a) to (f).

It was reported that, following Guidance and a Notification Form being issued in 2018, Members were advised to register their Personal Interests with the Monitoring Officer. In the time period covered by this report one Member had registered a Personal Interest (on two separate occasions) with the Monitoring Officer. To date those forms had not been published on the Council's website but retained within a central register. The most common declarations were made under paragraph 5.1 (d) being -

"any other body of which the Councillor is a member and in which they hold a position of general control or management –

- (i) exercising functions of a public nature;*
- (ii) directed to charitable purposes; or*
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);"*

The Monitoring Officer reminded the Committee that it was Members' individual responsibility to declare their interests at a meeting and that they should be clear, detailed and precise in the wording of their declaration in order that the Minutes of the meeting accurately recorded that declaration of interest.

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

It was **RESOLVED** that the Committee notes the contents of this report.

23. QUARTERLY COMPLAINTS UPDATE

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on existing cases together with general details of new cases, without

providing any names, and went through them with the Committee. There had been no requests for dispensations from Members.

TOWN	PUBLIC 2 x TOWN COUNCILLORS	ONGOING	Informal resolution	Matter related to claims of bullying. Informal resolution and training with an external company conducted
PARISH	PUBLIC	CLOSED	NFA	Actions did not breach the Code of Conduct
PARISH	PUBLIC	CLOSED	Informal resolution	Matter identified training requirements which have been conducted
DISTRICT	PUBLIC	PENDING	Awaiting MO final decision	Matter relates to conduct in a public meeting

The Monitoring Officer informed the Committee that the Executive Projects Manager (Governance) and her had provided training, or would be providing training, to several parish/town councils as a result of the above and other matters.

The Committee noted the foregoing.

24. MONITORING OFFICER'S UPDATE - REVIEW OF THE MODEL CODE OF CONDUCT

The Monitoring Officer gave an oral update on the current position in relation to the Local Government Association's (LGA) review of the Model Code of Conduct.

The Monitoring Officer informed the Committee that the LGA had revised its model Code of Conduct on two occasions as a result of consultative feedback and that it had now indicated that it was not intending to make any more revisions. The LGA had produced Guidance on the Model Code of Conduct and, in conjunction with Lawyers in Local Government (LLG), was finalising a "LGA Model Councillor Code of Conduct Training Pack".

The Monitoring Officer advised Members that it was the view of the Essex Monitoring Officers' Group that, as a result of the two revision processes, the Model Code of Conduct was now much improved though still not perfect.

The Monitoring Officer reported that Essex County Council was proposing to adopt the LGA's Model Code of Conduct.

As a result, the Monitoring Officer considered that there was now an obligation on this Council (TDC) to review TDC's own Code of Conduct to see if it wished to adopt it in total or incorporate parts of it in to TDC's Code of Conduct. The Monitoring Officer suggested that the review (which would involve input from all TDC Members and parish/town councils in the District) should take place over the course of 2022/23 and that any changes should take effect with the new Council that would be elected in the May 2023 District Council Elections.

The Monitoring Officer undertook to bring a report on the above to the next meeting of the Committee.

25. START TIME FOR THE NEXT MEETING OF THE COMMITTEE

Members were made aware that, due to a clash with a nationally organised online training event, the Council's legal services officers would not be able to attend the scheduled start time of 10.00 a.m. for the next meeting of the Committee due to be held on Wednesday 6 April 2022.

In order to enable the Officers to attend that meeting, the Chairman (Councillor Land) informed the Committee that he was changing the start time to **2.00 p.m.**

The meeting was declared closed at 10.55 am

Chairman

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Resources and Services Overview and
Scrutiny Committee

7 February 2022

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 7TH FEBRUARY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Scott (Vice-Chairman), Allen, Barry, Codling, Griffiths and Harris
Also Present:	Councillor Alex Porter (Portfolios Holder for Leisure and Tourism)
In Attendance:	Gary Guiver (Acting Director (Planning)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

51. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Wednesday 12 January 2022 be approved as a correct record.

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received on behalf of Councillors Amos, Morrison and M Stephenson (no substitutions).

53. DECLARATIONS OF INTEREST

Councillor Barry declared an interest in minute 58 below, Celebrating the Areas Heritage, specifically in relation to the 5 year development plan in Brightlingsea as he had worked on that project. He remained in the meeting and participated in the discussion and decision making on this item.

54. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

55. A.1 SCRUTINY OF PROPOSED DECISIONS

The Committee **NOTED** the contents of the report.

56. A.2 RECOMMENDATIONS MONITORING REPORT

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

The Committee also had before it an Addendum to the report that outlined Councillors M Stephenson's proposed further actions in response to Cabinets response to the

recommendations from this Committee on the Budget matters (minutes 50 of 12 January 2022 refers).

After some discussion the Committee **RESOLVED** to approve the proposed actions submitted by the Committee Chairman, with a change of the wording from “*in the medium term*” to “*3 to 5 years*”, and that actions now be pursued as approved.

57. A.3 REVIEW OF THE WORK PROGRAMME

The Head of Democratic Services and Elections invited the Committee to review the work programme. In doing so, he reported that since publication of the agenda for the meeting a proposal had been received for a work programme item from the Leader of the Independent Group, Councillor Chapman (BEM), the request was submitted under rule 8 of the Overview and Scrutiny Procedure Rules (and part 5 of the Councils Constitution).

Councillor Chapman (BEM) request was that this Committee include in the work programme a revisit of its enquiry into the Joint Use Agreements for sports centres in Harwich and Brightlinsea.

Upon being moved by Councillor Barry and seconded by Councillor Allen it was **RESOLVED** that the request from Councillor Chapman was appropriate for inclusion in the work programme

It was further **RESOLVED** the future enquiry be undertaken at an additional meeting to be held as practicable and prior to the next programmed meeting of 20 March 2023.

The Committee was reminded that its enquiry into the Joint Use Agreement on 13 December 2021 (minute 45 refers) had recommended that the then “*status quo*” be continued. This had not been adopted by Cabinet on 17 December 2021 and instead the lapsing of the agreement had been noted, transitional support provided and an engagement group with the relevant Town Councils and Sigma Trust established. Any further enquiries by this Committee would not prevent implementation of that decision and that any recommendations from a further enquiry would not be considered by the Cabinet until 25 March 2022.

The rationale for a further enquiry was stated as producing a public and transparent forum about the implementation of the Cabinet's decision and what this means for users and those living in the Communities in which the two joint use centres were located. How that implementation was compliant with the Corporate Plan, Local Plan, Active Essex and Tendrings Sports Strategy would be a matter the Committee could examine and what further (mitigation) measures should be put in place.

58. A.4 CELEBRATING THE AREA'S HERITAGE

Further to the decision of Council on 13 July 2021 (Minute 53 refers), the Committee undertook an enquiry into “Celebrating the Area's Heritage” – what was being done, how much money the Council was investing in this and what were the outcomes of that investment.

The Committee heard how Tendring had a rich history celebrated across Essex by residents and visitors alike. Its coastal location had provided it with a unique and varied heritage, from prehistoric artefacts that included the 420,000 year old 'Clacton Spear' fashioned before modern humans walked the earth, to medieval buildings and Victorian villas, with many nationally significant sites. The seaside resorts in Tendring made tourism a major component of its economy and gave the coastline its distinctive character and charm. There were 52 areas of ancient woodland within Tendring with a particularly important cluster along the edge of the Stour Estuary in the north east corner of the District. And at Harwich, The Mayflower heritage was still visible today, as were the 19th century brick lighthouses, and the Leading Lights.

The Council's Heritage Strategy was adopted by decision of the Leader on 24 April 2020.

The report informed Members that the draft Heritage Strategy was published for a seven week period of consultation and ran from November 2019 to January 2020. Statutory bodies, national and local amenity societies, including town and parish councils were consulted. Communication included posters, social media, surveys and a drop-in exhibition on the afternoon and evening of the 3rd December 2019 at the Council offices in Weeley. It was attended by members of Tendring's local history groups, residents and professionals. The draft Heritage Strategy for Tendring was considered by the Local Plan and Planning Policy Committee on 29th October 2019.

Members heard how the Heritage Strategy aimed to promote the protection and celebration of the area's rich history, predominantly contained within its historic environment, and enhance the positive contribution it made to the lives of those people that lived in and visited the District. This was reflected in the vision on which the Strategy had been developed:-

'The unique heritage of our district provides a rich, often hidden landscape that informs what it is to live here in the 21st century. This strategy identifies those historic features and aims to celebrate and enhance the heritage of Tendring'.

Members also heard how the strategy was organised into two parts:

Part One: *"The Baseline explores the historic development of Tendring, and identifies existing heritage assets, sites and resources. It covers the physical heritage of Tendring in the form of the historic environment, and includes archaeology, buildings, settlements, landscapes, archives and artefacts. It also creates a comprehensive list of the people who are involved in looking after the historic environment today".*

Part Two: *"Assessment and Strategy, draws on the findings of Part One to identify key issues and opportunities within Tendring. It addresses key issues facing Tendring's heritage, and propose actions to preserve and protect it for the future".*

The report explained how the Heritage Strategy had six objectives: Conservation, Collaboration, Knowledge, Character, Interpretation and Accessibility. Some actions span one or more of objectives. Each action was assigned a priority of High, Medium, Low and Ongoing. There was no time period specified for the Heritage Strategy and therefore actions had been progressed based on priority. While the Council had been

able to progress a significant number of the high priority actions, the Council had not had the resources to progress most of the lower priority actions to date.

Conservation, Collaboration & Interpretation

Progress on high priority actions has been significant. (9 out of 10 in progress)

The Committee was informed that Councillor Bray was appointed Heritage Champion in July 2018 to promote and raise awareness of Heritage Assets, protection and importance. Officers within the Planning Policy and Assets team monitored Heritage and championed the issue internally.

It was reported to Members that the Conservation Area Appraisals (CAA) and Management Plans for five out of the District's 20 areas had been considered by the Planning Policy and Local Plan Committee and agreed by Cabinet to go out for public consultation. The remaining 15 were to be presented to the Committee and Cabinet within 12 months, and that work was on schedule. The Council had decided to make steady progress with its Conservation Area Appraisals so that each could be completed effectively with the resources available. The final outcome of this work would be a full set of Conservation Area Appraisals and Management Plans which would be a material consideration in the determination of planning applications, the basis for potential proactive work (included public realm works and, where appropriate, the making of Article 4 Directions) and formal changes to the boundaries of certain Conservation Areas.

The Committee heard that alongside the CAA's, the Committee and Cabinet were also presented with a report on the formulation of a non-designated local heritage list and the criteria to be met for a local building to be included on such a list. The criteria would be published for public consultation and once decided, further public consultation would be held to invite nominations of local buildings to be submitted for consideration and potential inclusion on the list. Through the Neighbourhood Planning process, town and parish councils (included Alresford, Ardleigh, Elmstead and Brightlingsea to date) had already been identified locally important but non-designated buildings for inclusion on a list. Inclusion of buildings on a local list did not give them the full protection of a statutory listing, but it would be a material consideration in the determination of planning applications that affected those buildings, and their settings.

It was reported to the Committee that the High, Medium and Low Priority Actions regarding planning powers, design guides, Conservation booklets and signage audits were dependent on, and would complete after the adoption of the CAA and Management Plans and following consultation. However, Essex Place Services was already engaged to provide information, advice and guidance in the district as well as comment on planning applications, and the Planning Team already give regard to heritage matters through the planning process.

Knowledge, Character & Accessibility

High and Medium priority progress has been significant (4 out of 5 in progress)

The report informed the Committee that the work had begun in the Economic Growth and Leisure team to source funding for the Heritage Lights on Clacton Seafront and the Leading Lights in Dovercourt, to safeguard and protect our assets, following on from the

cost exercises undertaken in 2020, although the Council could not guarantee bids would be successful, so progress would depend on external investment.

The Members heard how assets continued to investigate options for other listed properties in the Council portfolio and currently had restoration works underway on the Treadwell Crane. Emergency repairs to Martello Tower E were complete and Tower D had been identified for further action. Promotion of events and heritage was integral to Tourism and Events delivery plans, and the Jaywick Neighbourhood Team Manager supported local groups to engage with the Jaywick Martello Tower and host activities there and in the surrounding area.

Tourism and Assets teams worked proactively to support destinations with advice to improve site accessibility and consider alternatives such as VR, virtual access and audio guides, as well as signposting to Historic England for further support.

Tendring Cultural Education Partnership

The report informed the Committee how the progress had been made on actions with young people and schools. Training and development, collaboration with schools, aspirations of young people, encouraged school trips and the establishment of a Cultural Partnership had been progressed by the Tendring Cultural Education Partnership (TCEP) working with the Partnerships team. Covid had stretched school resources and a light touch had been required, however there had been positive engagements with young people, within and outside of school through the TCEP support of Theatre Timoin's 'FLOOD', included winning a Galloper Wind Farm grant; supported the Theatre of Lemmings with a project to deliver 'George the Bookworm' to six Tendring primary schools in Summer 2022, Snapping the Stiletto's Art Award, and, worked with Clacton150, the delivery of the Coat of Arms design competition for which 42 schools were invited to take part, 11 participated and 200 entries were received from children.

Events

The Committee heard how the heritage strategy was agreed at the same time as the first Covid lockdown. As such, the scope of the events which had been possible to run to date was narrower than hoped when the strategy was developed. Despite Covid, the Council had continued to promote active engagement of audiences in heritage that also supported take up of healthy lifestyles. Projects in the last year included Octopus Ahoy! (22,776,678 steps recorded), Street Tag, the Heritage Trail that consisted of 19 information boards, four with augmented reality, two audio posts and one listening bench. The Listening bench had been played 2772 times, the railway audio post played 375 times and the Jaywick audio post play 604 times.

The Committee also heard how Street Tag was a community and schools (separate leader boards) based virtual tag activity with multiple trails, that included a bespoke Monument Trail, which used augmented reality to show key historic buildings. Teams had been competing for prizes. During Phase 1 from 16 July to 30 September 11 schools and 51 community teams logged a total of 26,187 miles, and 17,789,805 steps across walking, running and cycling. Street Tag was currently in its second phase and still very popular for schools and the community.

The Members were informed how the Council had not yet had the capacity to develop the unified narrative or 'brand' for all local historic properties and heritage assets, that included hidden heritage and healthy heritage as they require significant engagement with external partners which was resource intensive. The Council had the potential with the developments to the Love Tendring App to promote Tendring heritage within the district and to a wider regional and national audience.

Local projects

The report informed Members that the Heritage Lights in Clacton: having completed a cost exercise on the refurbishment of the lights the Council was pursuing external funding, the success of which would determine whether it was possible to take the project forward. Walton Maritime Museum had vacated their Council premises and were looking for premises closer to the town centre to increase footfall. Brightlingsea Lido had been transferred to Brightlingsea Town Council, who had given the lido to a Charitable Trust. The Trust had undertaken significant works, that included following the 2020 storm flooding damage and continued to work with the Town Council to develop proposals and initiatives for the site.

Outcomes

- *“Five conservation area appraisals are near completion, with 15 expected to complete over the next 12 months.*
- *A local non-designated heritage list is being prepared and expected in place by the end of 2022.*
- *Martello Tower E has had emergency repairs completed, a VLOG ([link](#)) was posted of progress. The two videos have received over 300 views combined.*
- *Treadwell Crane conservation is underway following a successful grant from Historic England.*
- *The Tendring Cultural Education Partnership is supporting schools and young people to access arts and heritage at home, school and in their local areas.*
- *Octopus Ahoy! ran for 10 weeks over Summer 2021 featuring 30 Octopuses, sponsored by local business and schools. 10,003 participants downloaded the app and logged 103,00 ‘finds’ and 22,776,678 steps across the event.*
- *The Heritage Trail was installed in July 2021 between Jaywick and Holland-on-Sea, celebrating the 150th anniversary of Clacton. There are 19 information boards featuring historic images and facts, included four boards with augmented reality, two listening posts and a listening bench. The train station listening post has been played 375 times, the Jaywick audio post 604 times and the Listening Bench played 2772 times.*
- *The Street Tag virtual activity launched on the 16 July. Participants can walk, run or cycle to virtual tag locations and gain points. This featured a bespoke Monument Trail that when beacons were reached, uses augmented reality to show historic images of key locations. During phase one, 703 participants across 11 schools and 51 community teams logged 26,187 miles, and 17,789,805 steps. Phase 2 is underway.*
- *Heritage Open Days and International Day of Monuments programmes are planned for 2022.*
- *Brightlingsea Lido has been transferred to the community with a supported five year management plan. Jaywick Managed Workspace will featuring hoardings created by local creative teams to showcase the area’s history”.*

The Committee Members asked a series of questions on the Heritage Strategy and the conservation policies and were provided with responses to those questions. These are set as an appendix to these Minutes.

After a discussion, the Committee thanked the Portfolio Holder for Leisure and Tourism and the Officers for the attendance and **NOTED** the contents of the report.

The meeting was declared closed at 10.22 pm

Chairman

RSOS Pre-meeting 02.02.21

Questions/Comments and Answers

Heritage Strategy Report

The Heritage Strategy is an overarching strategy that covers a broad spectrum of services and therefore many of the actions fall under the responsibility of different Portfolio Holders. The main Council Services with actions outlined in the Strategy are Assets, Planning, Tourism and Leisure.

Cllr and Question

- 1.** If we look around the District, there are buildings left to rot, and we need to look at preserving, enhancing and celebrating them.
 - We already assist Historic England with maintaining local entries on the Heritage at Risk Register. The Council has also begun reappraising the conservation areas. The first five Conservation Area Appraisals and Management Plans have been updated, all of which were Conservation Areas at Risk. The remaining 15 Conservation Areas will have their appraisals updated and management plans brought to the Planning Policy and Local Plan Committee in the next 12 months. As part of this, the Council has begun work on identifying the areas that may benefit from Article 4 Directions to extend planning and enforcement powers for the preservation and enhancement of the local historic environment.

- 2.** There are publications advertising Essex as a place to visit. We need to move to advertise the extensive history of Tendring.
 - The adopted Tourism Strategy and work plan highlights the service plan to delivery this through:

- brand identities such as Historic Harwich, and harnessing these for enhanced promotion,
 - maximising the opportunities of digital marketing across websites such as Visit Essex, and Essex Sunshine Coast, and the LoveTending app
 - to improve visitor infrastructure, including to heritage assets, through wayfinding and trails such as the Clacton150 Heritage Trail,
 - to develop and improve the heritage offer through creating tangible, bookable products and experiences and widening the districts heritage offer. The first of the rescheduled Mayflower 2020 cruises is expected in June 2022.
- 3.** Looking at Clacton there are the great Victorian Street Lamps at the promenade the Council is only now looking at them because they are falling apart. We also have the same issue with Martello Tower in Clacton that is being left to decay.
- Edwardian Lighting along Clacton Seafront: An Historic Assessment and Condition Report was completed in 2021 and the Economic Growth and Leisure service is now investigating options for external funding.
 - Martello Towers D and E- emergency works at Tower E were completed in 2021; further investigations are currently underway to determine further phases of restoration. Tower D has been identified by Assets for future investigation later this year.
- 4.** We have the Polebarn Lane Asset – protected by an Asset of community value designation. But we are not seeking to make best use of this.
- The ACV status is still pending for Imperial Hall. The 2021 report recommended that it did not meet the criteria for designation. The Council's Cabinet resolved to refer the decision to officers and for potential discussion and resolution between the owners and nominators. At the time of writing, no agreement has been secured.
 - ACV status would delay any proposal to sell the property should that be proposed in the following 5 years that enables the local community to bid to buy it. An ACV is registered as a land charge against the building. If the building does not become available for sale within 5 years, the designation is removed.
 - The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and Local Plan Committee
- 5.** Why was housing allowed to be built at Martello Tower in Walton? That does not suggest that we value our Heritage Assets.

- Martello Tower K is in private ownership and a heritage impact assessment was carried out; this can be found in the planning application documents.
- [14/01303/FUL](#) Decision Report: English Heritage (Now Historic England) supported the redevelopment of the site and removal of the caravans as an opportunity to improve the setting of the tower
- [16/00369/FUL](#)- Historic England agreed that the objective for this site is to secure the immediate setting of the tower as open space, with the maintenance of key seaward views, together with repair and beneficial use of the tower.

6. Is there a complete list of heritage sites/assets in Tendring?

- National List available is on Historic England website.
- The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and Local Plan Committee

7. What is meant to come out of the work of the Local Plan and Policy Committee looking at plans? Can you explain it?

- The Planning and Local Plan Committee's meets on a regular basis to make decisions about Local Plan and strategic planning issues.
- The Planning Committee over planning applications listed building consents etc. that require executive decisions.

8. Are the Mile marker Kerb Stones listed?

- The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and Local Plan Committee
- Historic England set objectives for designations each year, more details of which can be found on their website, along with the current listing register.

9. Are we going to list War Memorials so they can be looked after?

- War Memorials are often listed as part of the Historic England register, which can be found on their website.
- The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and Local Plan Committee

10. Are the old finger post signs plotted around the District and are they being protected/preserved?

- The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and Local Plan Committee.

11. Are the Station house by railway being protected?

The Planning Policy team are in the early stages of preparing a list of non-designated local heritage assets and there will be an opportunity for buildings to be nominated, once the criteria has been agreed by the Planning Policy and

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Human Resources and Council Tax
Committee

24 February 2022

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON THURSDAY, 24TH FEBRUARY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Griffiths (Vice-Chairman), Amos, Baker, Calver, Chittock, S Honeywood, Morrison and M Stephenson
Also Present:	Councillor P Honeywood
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Carol Magnus (Organisational Development Manager), Ian Ford (Committee Services Manager), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer), Katie Wilkins (Human Resources and Business Manager), Cathy Calder (Payroll, Payments & Business Manager) and Matt Cattermole (Communications Assistant)

84. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or notices of substitution submitted on behalf of Councillors on this occasion.

85. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the last meeting of the Committee, held on Wednesday 5 January 2022, be approved as a correct record and be signed by the Chairman.

86. DECLARATIONS OF INTEREST

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

87. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted for this meeting of the Committee.

**88. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - FORMAL
CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2022/23 FOLLOWING THE
NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING
AUTHORITIES**

The Committee had before it a report of the Assistant Director (Finance & IT) (report A.1) which set out and sought its confirmation of the final Council Tax amounts for 2022/23 including the precepts issued for 2022/23 by Essex County Council, Essex Police and Essex Fire.

Members were aware that, at its meeting held on 15 February 2022, Full Council had considered the Executive's Budget and Council Tax proposals for 2022/23 and as part of this process the Council Tax for District and Parish / Town Council Services had been approved at that meeting.

Members were also aware that, once the precepts were received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2022/23. The total Council Tax for the year was made up of the District and Parish / Town Council amounts and the corresponding amounts agreed by the major precepting authorities. Legislation required this formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made. The precepts from the major precepting authorities for 2022/23 had resulted in the final Council Tax amounts, as set out in Appendix C to the aforementioned report, for formal confirmation by the Committee.

It was moved by Councillor Amos, seconded by Councillor Baker and:-

RESOLVED that -

- (a) the precepts issued by Essex County Council, Essex Police and Essex Fire, as set out in Appendix A to item A.1 of the Report of the Assistant Director (Finance & IT), be noted.
- (b) the amounts of Council Tax for 2022/23 for each of the categories of dwellings, as shown at Appendix C to the aforesaid report, be confirmed.

89. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - EMPLOYER DISCRETIONS UPDATE

The Committee had before it a report of the Assistant Director (Finance & IT) (report A.2) which updated it on an amendment required to one of the Council's Employer Discretions, which related to the Local Government Pension Scheme (LGPS) following the Officer Decision to introduce a new employee benefit, which was a Shared Cost, Salary Sacrifice, Additional Voluntary Contribution Scheme.

It was reported that, historically, employers had had no discretions about how the scheme rules were applied, as this had been dictated by the LGPS, and implemented by the administering bodies which, in this Council's case, was the Essex Pension Authority. When the scheme itself had changed, in 2008 & 2014, some decisions had been passed to the employing authorities themselves.

The Committee was informed that, under the LGPS (Administration) Regulations 2008, effective from 1st April 2008, all employers participating in the LGPS scheme were required to prepare and publish a written statement on how it would exercise the various discretions provided by the scheme.

Members were advised that the Council's current discretion relating to Additional Pension Contributions stated that no shared cost arrangement was permitted, in order to protect the Council from any additional costs. However, if the Shared Cost AVC was achieved by introducing a Salary Sacrifice arrangement, then the amount of pay

sacrificed was deemed to be the employer's contribution, and the direct contribution (of £1) was deemed to be the employee's contribution, hence it would not cost the Council more.

Indeed, by allowing employees to enter into a Shared Cost AVC, the Council would enable qualifying employees to save National Insurance contributions on the salary sacrificed amount, as well as reducing the National Insurance bill for the Council itself, as the Salary Sacrifice element would not be subject to deduction of neither employee, nor employer contributions.

It was therefore proposed by Officers that the wording in the discretion should be amended to:-

"The Council will pay shared cost AVC's where an employee has elected to pay AVC's by Salary Sacrifice. The amount of these employer shared cost AVC's will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the conditions for acceptance into the Salary Sacrifice shared cost AVC scheme and may be withdrawn or changed at any time".

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

RESOLVED that the Human Resources & Council Tax Committee approves the proposed amendment to one of the Council's Employer Discretions, as set out below:-

"The Council will pay shared cost AVC's where an employee has elected to pay AVC's by Salary Sacrifice. The amount of these employer shared cost AVC's will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the conditions for acceptance into the Salary Sacrifice shared cost AVC scheme and may be withdrawn or changed at any time".

90. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - ORGANISATIONAL CHANGE AND REDUNDANCY POLICY REVIEW

The Committee had before it a report of the Assistant Director (Partnerships) (report A.3) which updated it on the review of the Council's Organisational Change and Redundancy Policy in line with employment legislation, identified best practice and changes relating to the Local Government Pension Scheme (Augmentation - Regulation 52).

It was reported that the purpose of the review of the Council's Organisational Change and Redundancy Policy was, principally, to incorporate changes made as a result of the amendments made to the Local Government Pension Scheme in relation to compensation payments for early release (Augmentation – Regulation 52). This regulation had been replaced by Regulation 31 – which was covered by this Authority's Pension Discretions.

The Committee was informed that there had been no substantial changes to the Policy apart from the deletion of wording in section 4.1 which detailed the discretion afforded to Councils to buy additional years' service for employees (Augmentation).

Members were advised that the document ensured that the Council adhered to current legislation and followed best practice, as outlined in the ACAS guidance on handling redundancy situations specifically:-

- Definition of Redundancy;
- Consultation; and
- Statutory Notification.

It was felt that the policy offered a fair and consistent approach to all employees of the Council. It gave clear guidance on what the expectations were of the employee and their manager in relation to dealing with an organisational change and redundancy situation.

Members were made aware that references to the Employee Assistance Programme (EAP) had been added in section 2, section 3.5 and in Appendix A.

The Committee was further informed that the Policy had been updated to include the responsibilities of Assistant Directors which, for the purposes of this policy, mirrored the responsibilities of the Heads of Departments.

It was reported that Unison had been consulted on the revised Organisational Change and Redundancy Policy and had offered its agreement and support for the implementation of those proposals.

It was moved by Councillor M E Stephenson, seconded by Councillor Chittock and:-

RESOLVED that the Committee notes and endorses the content of the revised Organisational Change and Redundancy Policy.

The meeting was declared closed at 7.43 pm

Chairman

Public Document Pack

Tendring/Colchester Border Garden
Community Joint Committee

28 February 2022

**MINUTES OF THE INAUGURAL MEETING OF THE TENDRING/COLCHESTER
BORDER GARDEN COMMUNITY JOINT COMMITTEE,
HELD ON MONDAY, 28TH FEBRUARY, 2022 AT 6.00 PM
IN THE LAYER SUITE, COMMUNITY STADIUM, UNITED WAY, COLCHESTER CO4
5UP**

Present:	Councillors M Bush (TDC, T Cunningham (ECC), P Dundas (CBC), C Guglielmi (TDC), A Luxford-Vaughan (CBC), G Oxford (CBC), N Turner (TDC) and L Wagland (ECC)
Also Present:	Councillors M Platt (ECC), M Cory (ECC), S Crow (ECC), A Fox (CBC), J Young (CBC), T Young (CBC), G Scott (TDC) and A Wiggins (TDC)
In Attendance:	Lisa Hastings (TDC Deputy Chief Executive & Monitoring Officer), Gary Guiver (TDC Acting Director (Planning)), Lindsay Barker (CBC Strategic Director (Policy & Place)), Andrew Weavers (CBC Strategic Governance Manager & Monitoring Officer), Ian Ford (TDC Committee Services Manager), Matthew Jericho (ECC Spatial Planning Manager), Shelley Blackaby (CBC Garden Community Planner), Karen Syrett (CBC Lead Officer (Planning, Housing & Economic Growth)), William Lodge (TDC Communications Manager), Sharon Carter (TCBGC Communications Manager), Catherine Gardner (TCBGC Programme Support Officer), Kai Aberdeen (TDC Theatre General Manager (Technical)), Keith Durran (TDC Committee Services Officer), Matt Cattermole (TDC Communications Assistant) and Rob Smith (Director - Hyas Associates Limited)

1. ELECTION OF THE CHAIRMAN OF THE JOINT COMMITTEE

It was moved by Councillor Paul Dundas, seconded by Councillor Carlo Guglielmi and:-

RESOLVED that Councillor Nick Turner be elected Chairman of the Joint Committee for the remainder of the 2021/2022 Municipal Year and the ensuing 2022/2023 Municipal Year.

2. CHAIRMAN'S OPENING REMARKS

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

"Welcome and good evening to my fellow Councillors, our Officers, the media and our audience.

Thank you fellow members for the privilege in becoming the first Chairman of this rare beast – a joint planning committee across two tiers of local government and three authorities. The first step is the most important one in any journey and we have now taken that.

Not too far from this room, 110 weeks ago, we had the second round of the examination-in-public of Part 1 of the joint Local Plan for Tendring District Council (TDC), Colchester Borough Council (CBC) and Braintree District Council.

A very thorough examination was made, it was the biggest Local Plan examination in England. Many of us here tonight sat through some, if not all, of the many, many days it took Mr Roger Clews to hold the Examination.

A year later, TDC and CBC adopted Part 1 that led to the formation of a joint steering group together with Essex County Council (ECC). That group, and the wider membership of each Council agreed to a joint committee. I'd like to pay a personal tribute to Councillor Tom Cunningham for the excellent and courteous way in which he chaired the meetings of the Steering Group.

This Committee will eventually act as one would expect a planning committee to work i.e. to approve or refuse planning applications. In the meantime we will be debating, scrutinising, overseeing and agreeing the various documents and consultations that will ultimately form the final Development Plan Document (DPD). That will then be consulted upon once more and submitted to the Planning Inspectorate for Public Examination.

After which, subject to any changes the Inspectorate might require, the Committee will be recommending the adoption of the DPD to TDC and CBC.

For tonight, Mr. Andrew Weavers will make the presentation for A.1 and after that I will invite the public speakers to make their points then we will discuss and go to the vote. The same procedure will apply to item A.2 with Mr. Gary Guiver leading on that presentation to be then followed by the public speakers and a written submission from Wivenhoe Town Council which I will read out. Then the committee discussion and the vote."

3. ELECTION OF THE DEPUTY CHAIRMAN OF THE JOINT COMMITTEE

It was moved by Councillor Carlo Guglielmi, seconded by Councillor Nick Turner and:-

RESOLVED that Councillor Paul Dundas be elected Deputy Chairman of the Joint Committee for the remainder of the 2021/2022 Municipal Year and the ensuing 2022/2023 Municipal Year.

4. DECLARATIONS OF INTEREST

Councillor Andrea Luxford-Vaughan queried whether "twin hatted" Members of the Joint Committee would be precluded from voting on report A.2 (the Development Plan Document item) in the light of Essex County Council's ongoing re-negotiation of the Housing Infrastructure Fund (HIF) funding requirements with Homes England.

Mrs Lisa Hastings, Deputy Chief Executive & Monitoring Officer, Tendring District Council responded with advice that as the HIF funding was not on the Agenda for this meeting then those Councillors in question were not precluded from voting on report A.2.

5. **REPORT A.1 - INTRODUCTION TO THE NEW TENDRING COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE**

Members had before them a report (A.1) which introduced the newly established Tendring Colchester Borders Garden Community (TCBGC) Joint Committee which had been appointed for the discharge of specific executive and non-executive functions. The report also covered any early administrative matters related to the Terms of Reference and Standing Orders agreed by Tendring District Council (TDC), Colchester Borough Council (CBC) and Essex County Council (ECC) ("the three Councils").

The report was introduced by Mr Andrew Weavers, Strategic Governance Manager & Monitoring Officer, Colchester Borough Council.

Members were reminded that the Joint Committee's remit was to jointly discharge those specific executive and non-executive functions related to TCBGC, delegated pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the Terms of Reference attached at Appendix A to report A.1.

The functions delegated were set out in 4.2 (a) to (h) (in the aforesaid Appendix A). However, in summary there were two themes, namely:-

- (i) *To exercise the Council's functions relating to overseeing the preparation of the joint TCBGC Development Plan Document and ensuring it:*
 - a. *is in accordance with the Local Development Schemes;*
 - b. *includes policies designed to secure that the development and the use of land in the garden community area contribute to the mitigation of, and adaption, to climate change;*
 - c. *meets the "tests of soundness" as set out in legislation, national and planning policy and advice contained within guidance issued by the Secretary of State;*
 - d. *has regard to the adopted Section 1 of CBC & TDC's Local Plan;*
 - e. *has regard to the resources likely to be available for implementing the proposals in the document;*
 - f. *other such matters the Secretary of State prescribes; and*
 - g. *complies with the Council's Statement of Community Involvement.*
- (ii) *To act as local planning authority to determine planning applications by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015, within the TCBGC area.*

There were limitations to those delegations and those were set out in paragraphs 4.3 and 4.4.

In addition, Members noted that not all executive functions had been delegated, though further functions in relation to TCBGC might be delegated to the Joint Committee by the Leaders of the three Councils in the future. However, at this time, the initial focus of the Committee would be functions in connection with the preparation of the joint Development Plan Document and to determine any planning applications. Therefore, it was possible that questions would be raised for consideration which were outside the remit of the Joint Committee and officers would provide advice on those aspects as such matters arose.

It was reported that the three Councils were represented on the appointed Joint Committee with full voting rights. However, ECC had decided at its meeting held on 7 December 2021 that its membership would consist of two seats instead of the possible three (as approved by TDC and CBC at their respective earlier meetings), therefore the make-up of the Joint Committee was as follows:

Membership:

- (iii) *2 Members appointed by TDC (one of which must be the Chairman of the Planning Policy and Local Plan Committee) plus 1 Cabinet member appointed by the Leader*
- (iv) *2 Members appointed by CBC (one of which must be the Chairman of the Local Plan Committee) plus 1 Cabinet member appointed by the Leader*
- (v) *2 Members appointed by ECC, one of whom should be a Cabinet Member or Deputy Cabinet Member.*

For the purposes of introducing the Terms of Reference the Joint Committee's attention was drawn to the following administrative matters:-

Quorum:

The quorum of a meeting of the Joint Committee was as follows:-

- (vi) *2 Members from Tendring District Council*
- (vii) *2 Members from Colchester Borough Council*
- (viii) *2 Members from Essex County Council*

Substitute Members

Each Council had appointed one substitute member having the powers and duties as set out in paragraphs 5.2 and 5.3.

Training:

All members of the Joint Committee will have undertaken suitable training which will have been approved by the parties. *This requirement will be necessary prior to the determination of any planning application, or as deemed necessary by officers advising the Joint Committee.*

Standing Orders:

The Joint Committee would be governed by the Standing Orders set out in Appendix 3 of the Terms of Reference. Those Standing Orders could be amended by the Joint Committee from time to time within the scope of the Terms of Reference following consultation with the three Councils' Monitoring Officers.

Administration:

TDC would be responsible for the administration of the Joint Committee and would undertake all matters connected thereto, including the preparation and dispatch of agendas and securing premises at which the Joint Committee would meet.

Public Speaking Rights

Members of the public would have the public speaking rights set out in Annex A, though the Joint Committee had the power to amend the public speaking rights.

Members were made aware that there remained some matters to be determined which were as follows:-

Venue(s) for the Meetings of the Joint Committee

It was felt necessary to agree a regular venue and starting time for the Joint Committee to meet whilst providing flexibility for alternative arrangements if necessary. It was proposed by Officers that the University of Essex's Wivenhoe Park Campus be the regular venue for the Joint Committee going forward, due to its proximity to the site of the Garden Community. However, this would be subject to its availability and a review as to its suitability in the light of the experience for both the Joint Committee and the public. It was recommended by Officers that the Joint Committee agrees that any interim alternative arrangements would be determined by Officers, in consultation with the Chairman of the Joint Committee.

Public Speaking Rights:

During previous discussion on the remit of the Public Speaking Scheme, elected Members had raised whether the ability to address the Joint Committee extended to them?

It was reported that, during the production of the Scheme, it was always intended by Officers that elected Members would have this opportunity within the Scheme. Therefore it was proposed by Officers that the Joint Committee confirmed that the Scheme should be amended to expressly state that elected Members from TDC, CBC and ECC were able to address the Joint Committee on matters within the agenda. For the consideration of Planning Applications, Ward or Division Councillors for the Garden Community area or for adjacent wards/divisions would have an additional right to address the Joint Committee.

Planning Probity Protocol:

Members were aware that the Joint Committee would be able to determine planning applications made in relation to development within the TCBGC area and therefore, it was felt important that a Planning Probity Protocol be adopted for the Joint Committee and it was recommended by Officers that they be instructed to draw up and submit a suggested Protocol to a future meeting of the Joint Committee.

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, Mr Bill Marshall and Mr James Marchant (Colchester East Action Group) addressed the Joint Committee on the subject matter of this item.

Following a discussion and debate on matters pertaining to this report and questions by Members which were answered, as appropriate, by the Deputy Chief Executive & Monitoring Officer (Lisa Hastings), the Strategic Governance Manager & Monitoring Officer (Andrew Weavers) and the Spatial Planning Manager (Matthew Jericho):-

It was moved by Councillor Paul Dundas, seconded by Councillor Tom Cunningham and:-

RESOLVED that the Tendring Colchester Borders Garden Community (TCBGC) Joint Committee -

- (a) notes the executive and non-executive functions related to TCBGC delegated to them pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972, as set out in the Terms of Reference attached at Appendix A to report A.1;
- (b) notes that Essex County Council has appointed two members and that the Terms of Reference should be amended by all three Councils accordingly for completeness;
- (c) agrees that the regular venue and start time for the meetings of the Joint Committee will be the University of Essex's Wivenhoe Park Campus at 6pm and that any necessary alternative arrangements will be made by Officers, in consultation with the Chairman of the Joint Committee;
- (d) agrees that the Public Speaking Rights Scheme be amended to expressly state that elected members from the three Councils are entitled to address the Joint Committee within the Scheme and that additional rights be given to Ward and Division Councillors (including extra speaking time);
- (e) the Monitoring Officers of the three Councils be authorised to agree the wording for the amendments and then to publish the revised scheme; and
- (f) requests that Officers produce a draft Planning Probity Protocol for further consideration by the Joint Committee at a future meeting thereof.

6. REPORT A.2 - THE DRAFT PLAN FOR THE TENDRING COLCHESTER BORDERS GARDEN COMMUNITY DEVELOPMENT PLAN DOCUMENT - REGULATION 18 STAGE

The Joint Committee had before it a comprehensive report (A.2) which presented to it the first draft of the Development Plan Document for the Tendring Colchester Borders Garden Community (TCBGC) and sought its approval to publish that Draft Plan and other relevant documents for public consultation in accordance with Regulation 18 of the statutory plan making process.

The report was introduced by Mr Gary Guiver, Acting Director (Planning), Tendring District Council.

The Joint Committee was aware that the adopted shared Section 1 Local Plan for North Essex identified a broad area of land crossing the Tendring/Colchester border for the development of a new Garden Community comprising 7,000-9,000 homes and 25ha of employment land along with new neighbourhood centres, health facilities, schools, early years facilities, provision for gypsies and travellers, land for the future expansion of the University of Essex and all associated infrastructure. The development was to be served by a 'Rapid Transit System' and a link road between the A120 and A133, for which Government funding had been secured through the Housing Infrastructure Fund (HIF).

Members were also aware that the Section 1 Local Plan required the preparation and formal adoption of a specific 'Development Plan Document' (DPD) containing further details of the Garden Community before any planning applications for development at the site could be approved. Officers from Tendring District Council (TDC), Colchester Borough Council (CBC) and Essex County Council (ECC) ("the three Councils") had worked together with partners and specialist consultants to produce a first 'Draft Plan' for the Garden Community which addressed specific requirements of the Local Plan whilst having particular regard to community and stakeholder feedback, a range of technical evidence and a comprehensive master planning exercise.

The Joint Committee was advised that the DPD for the TCBGC, like the Local Plan to which it related, must proceed through the statutory plan-making process which involved different stages of public consultation and an examination by a Government-appointed Planning Inspector, before it could be adopted. The Draft DPD was recommended by Officers to be published for a minimum of six-weeks formal public consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It was considered that this consultation would allow any interested parties (including residents, businesses, developers and other groups and organisations) to comment on the first draft and for those comments to be taken into account by the three Councils in drawing up a revised version of the Plan for a further final round of consultation and submission to the Secretary of State for public examination later in the year.

Masterplanning process, engagement and evidence gathering

The Joint Committee was informed that a comprehensive master planning process involving specialist consultants with input and review by the three Councils had been carried out to inform the content of the Draft Plan. To date, the master planning process had involved a technical baseline analysis of the site, wide ranging community engagement to inform and guide an overarching strategic vision for the development, and a 'spatial options' exercise to generate reasonable options and alternatives for the potential layout and configuration of the Garden Community.

Both the master planning process and the drafting of planning policies for inclusion in the Draft Plan had also been informed by a range of technical studies and evidence across a range of topics which would be further expanded and refined in order to inform the evolution and refinement of the Plan as it progressed towards the next stage of the statutory plan making process throughout 2022.

It was reported that the recommended policies and proposals in the Draft Plan, including the preferred option and alternative options for its spatial layout, had also been the subject of Sustainability Appraisal (SA) work by independent consultants which met a legal requirement of the plan making process. The purpose of the SA was to assess the high level environmental, social and economic impacts of policies and proposals, and alternative options to inform the three Councils' decisions on the most appropriate approach to take forward.

The vision for the Garden Community

Members were made aware that the Draft Plan contained an overarching strategic vision which underpinned both the proposed spatial layout of the Garden Community

and the planning policies that would guide its development. This vision related to a series of 'themes' and related ideas that had emerged from the public and stakeholder engagement activities that had been carried out in 2021. The Key Vision Themes which formed part of the Draft Plan (and which defined its structure) were as follows:-

- **Nature:** *The outdoor natural environment of the Garden Community will be its biggest asset. It will comprise green infrastructure where neighbours will spend time, play, interact and grow. It will provide a natural support system for both people and wildlife.*
- **Buildings, Places and Character:** *The Garden Community will provide the right jobs, homes and spaces for all aspects of life. It will create thriving distinctive spaces for a range of activities and employment opportunities. It will be memorable for its landscape and architecture and will be widely recognisable of its place in North Essex.*
- **Community and Social Infrastructure:** *The Garden Community will be known for its healthy and happy community. It will have a variety of diverse community spaces, play spaces, great local schools and a network of sport and leisure facilities. It will establish long term and participative stewardship of infrastructure from the outset.*
- **Movement and Connections:** *The Garden Community will be structured around a dense network of traffic-free walk and cycle routes with rapid public transit prioritised and supported by a range of innovative mobility measures. This will ensure day to day trips are shorter, quicker and cheaper without a car.*
- **Sustainable Infrastructure:** *The Garden Community will make living sustainably easy for its residents. Green infrastructure and building solutions will be integrated from the outset and follow best practice standards.*

Land uses and spatial approach

The Joint Committee was advised that the 'preferred spatial option' for the Garden Community, as recommended by Officers and set out in the Draft Plan, was one that involved 7,500-8,000 homes across three defined 'neighbourhoods' confined to land north of the A133, south of the A120, west of a new A120/A133 Link Road and east of a new country park around Salary Brook. The alternative options would have involved different levels of residential development, potentially taking place on land south of the A133 and east of the proposed link road. This would lead to a greater loss of agricultural land, resulting in segregated communities and raise greater concerns about long-term coalescence with surrounding towns and villages and the strong wish of residents in Elmstead Market and Wivenhoe for that not to happen.

It was reported that new employment land was proposed in the Draft Plan on an area of land south of A120 and east of the Link Road for general business and industrial activity and on an area of land north of the A133 for the potential high-tech expansion around the 'Knowledge Gateway' (at the University of Essex). It was also proposed that space for business was created within the neighbourhood centres that would serve each of the three residential neighbourhoods.

The Joint Committee was made aware that there were two alternative options for the employment land north of the A133 and for potential expansion of the University of Essex on land south of the A133 for which no preference was currently indicated in the Draft Plan. The inclusion of those alternative options in the Draft Plan drew on recent engagement and communication with the University of Essex, which was keen to ensure the Garden Community provided the opportunity to support its long-term expansion of academic facilities and the creation of high skilled jobs through linkages to the 'Knowledge Gateway'. The alternative options involved different scales of development with different implications for connectivity with the existing 'Knowledge Gateway', commercial deliverability, accessibility and impact on land around Salary Brook and the size of any green gap south of the A133 and north of Wivenhoe. Those alternatives, which would require further assessment and technical consideration by the three Councils, were proposed to be included in the Draft Plan for consultation to enable public and stakeholder feedback before the three Councils made a final choice.

Members were informed that, whichever of the above options was eventually chosen, key areas of land around the eastern and southern edges of the Garden Community site running alongside the Link Road and the area of the B1027/Elmstead Road were to be defined as 'Strategic Green Gaps' that would be given extra protection against new development in order to ensure a green buffer between the Garden Community, Elmstead Market and Wivenhoe was maintained.

The preferred strategy also made provision for an 'area of special character' around Crockleford Heath aimed at safeguarding its distinctive rural character; new 'park and choose' facilities located near the route of the Rapid Transit System; and a provisional location for a future gypsy and traveller site in the northern area of the site close to the A120 and its proposed connection to the Link Road.

The Joint Committee was made aware that, whilst the Draft Plan set out an overarching spatial layout for the Garden Community, it could not at this stage provide precise details of how each part of the development would be laid out and configured. The policies in the Draft Plan therefore required that additional detail be worked up, in advance of any planning applications, through a Strategic (site wide) Masterplan and Strategic Design Code along with supporting Neighbourhood Masterplans and Design Codes for each phase of development. These would need to be approved by the three Councils but could be carried out either by the Councils, the developers or through a collaborative approach and with community and stakeholder engagement.

Planning Policies

It was reported that the Draft Plan contained a series of planning policies that supported the delivery of the preferred spatial layout, sought to deliver sustainable development and reflected the themes and vision that had emerged from the community and stakeholder engagement activities. As the Garden Community was potentially a 30-40 year development project and there were many issues that would evolve and change over that period of time, the wording of the policies had to achieve a careful balance in their level of prescription and flexibility. Officers had sought to ensure that the policies were clear enough to be meaningful and understandable, yet flexible enough to respond to inevitable change. Therefore, as a general principle, the policies in the Draft Plan either set out specific expectations and requirements, or they required that further work

be undertaken for the three Councils' approval either before or in support of a planning application, upon which more detailed requirements could be based.

The scope and purpose of the planning policies in the Draft Plan was summarised as follows:

- **Policy 1: Land Uses and Spatial Approach** – Accompanied by a key diagram and illustrative masterplan, this policy identifies the key elements of the Garden Community, reflecting the preferred spatial option. It defines the areas for development, the approach neighbourhoods, strategic green gaps, the Crockleford Heath Area of Special Protection, the Salary Brook Country Park, the options for expansion and employment land around the University of Essex and Knowledge Gateway, the A120 business park and associated park and choose facility and the provisional location for a Gypsy and Traveller site.
- **Policy 2: Requirements for all new development** – This policy sets out general requirements around design, practical matters, impacts and compatibility that will apply to all development proposals for the Garden Community and any future development within the Garden Community once it has been established. It is essentially the 'catch all' policy for the determination of planning applications – similar in many respects to those found in both Tendring and Colchester's Section 2 Local Plans.
- **Policy 3: Nature** – Sets out specific requirements for the development relating to green infrastructure and the natural environment. The policy contains requirements for a comprehensive Green Infrastructure Strategy for the development, the need to integrate green infrastructure and blue infrastructure (water features), the protection of wildlife and the need to achieve a 'net gain' in biodiversity, expectations around the protection and planting of trees, creation of 'productive' (food producing) landscapes, and the need and technical requirements for Sustainable Drainage Systems (SuDS). The policy also requires the Garden Community to integrate sensitively with the environmental mitigation for the A120-A133 link road and a list of additional documentation to be provided in support of any planning application.
- **Policy 4: Buildings Place and Character** – This policy sets out the Councils' expectations for how the Garden Community will be a unique place with a distinctive character and how this will be determined through further Strategic and Neighbourhood level Masterplans and Design Codes. The policy requires a mix of housing size, type and tenure (with a minimum requirement of 30% affordable housing, which is established in the Section 1 Plan) and that the precise mix will be informed by a 'Housing Strategy' that the Councils will have to approve before determining relevant planning applications. The Housing Strategy will also inform the approach to the provision of care, assisted living, specialist and student housing. The policy also provides guidance on achieving an appropriate density of residential development in different parts of the site, sets specific standards around internal space standards, adaptable/wheelchair standards and garden sizes and lists the requirements for additional documents to be provided in support of planning applications.
- **Policy 5: Economic Activity and Employment** – This policy sets out the different ways in which the Garden Community will deliver opportunities for employment,

education and training across a variety of sectors to achieve a minimum of one job per household, either within or close to home or within a sustainable commutable distance. The key elements of the policy include the expansion of the University of Essex and Knowledge Gateway, the creation of ‘centres’ of employment activity within each of the Garden Community’s three neighbourhoods, a new business park immediately south of the A120 and ensuring opportunities for home working, for example, by providing the highest standard of broadband and live-work space. The policy also promotes the Rapid Transit System for commuters, positive partnership working with educational establishments and developers to ensure the best possible match between new jobs in growing sectors and the skills required by local people to do those jobs, as well as requiring developers to enter into a formal agreement to employ and train local people wherever possible.

- **Policy 6: Community and Social Infrastructure** – *Ensuring the Garden Community is served by the necessary infrastructure at the right time with appropriate arrangements for long term stewardship is a key pillar of the Garden Community Principles. This policy sets out the approach to community and social infrastructure including flexible community space, specific requirements for new schools and other education facilities, sport and recreational facilities and expectations around stewardship. The policy also promotes measures aimed at promoting health and wellbeing as developed through engagement with colleagues in the NHS and Sport England, taking into account ‘healthy new towns principles’ and ‘active design principles’. Community and social infrastructure provision will need to be informed by a ‘Demographic Study’ that the Councils will have to approve before determining relevant planning applications. Proposals must also include planning obligations, a Phasing and Implementation Strategy and be informed by a Health Impact Assessment.*
- **Policy 7: Movement and Connections** – *This policy sets out all the measures to be adopted within the Garden Community to prioritise walking, cycling, public transit and other low carbon forms of transportation over private cars to help achieve net zero carbon transport by 2050 – whilst recognising that private transportation (moving towards electric and other sustainable forms) will still play an important role in people’s lives in the future and appropriate provision must be made. The policy requires further development of a Public Transport Strategy and a specific Design Code or Guidance for parking and electric charging. It also sets out expectations for the connectivity of the Garden Community with the Rapid Transit System, the new A120/A133 Link Road and the wider public transport networks as well as specific documentation in support of planning applications.*
- **Policy 8: Sustainable Infrastructure** – *The Garden Community is to be an exemplar development that leads the way in meeting the very highest standards of energy efficiency, water efficiency and renewable energy generation. This policy sets out the Councils’ expectation for all buildings to be net zero carbon, as a minimum, and contains either specific requirements for development or further work to be carried out, for the Council’s approval, to inform the development approach – given that the technologies and techniques are likely to evolve and improve over the lifetime of the development. The policy covers the approach to design and construction, renewable energy, water conservation, sustainable waste management, ultrafast broadband, and prior minerals extraction.*

- **Policy 9: Infrastructure Delivery and Impact Mitigation** – *The final policy in the Draft Plan sets out how the Council will work with the developers to ensure infrastructure is provided at the right time and follows a carefully planned phased approach. The policy also explains how the Council would intend to use legal agreements or a Community Infrastructure Levy (CIL) to secure infrastructure or relevant financial contributions.*

Pursuant to the provisions of the Public Speaking Scheme for the Joint Committee, the following persons addressed the Joint Committee on the subject matter of this item:-

Richard Cook (Latimer by Clarion Housing Group);
Christopher Oldham (University of Essex);
William Sunnucks;
Yvonne Meronti (Crockleford Heath & Elmstead Acton Group);
Manda O'Connell (Chair of Community Liaison Group);
Sir Bob Russell;
Councillor Julie Young (Colchester Borough Council);
Councillor Mark Cory (Essex County Council); and
Councillor Tim Young (Colchester Borough Council).

In addition, the Chairman of the Joint Committee (Councillor Nick Turner) read out a written statement that had been submitted, on behalf of Wivenhoe Town Council, by Town Councillor Asa Aldis.

After the completion of the public speaking session, the Chairman adjourned the meeting for 15 minutes in order to allow those persons present to have a comfort break and take refreshment. Following that adjournment the meeting resumed as follows:-

Following a discussion and debate on matters pertaining to the DPD and questions by Members that were answered, as appropriate by the Acting Director (Planning) (Gary Guiver), the Spatial Planning Manager (Matthew Jericho) and Rob Smith (Director at Hyas Associates Limited):-

It was moved by Councillor Paul Dundas, seconded by Councillor Carlo Guglielmi and:-

RESOLVED that the Tendring Colchester Borders Garden Community Joint Committee:

- i) agrees, subject to resolution iii) below, that the 'Tendring Colchester Borders Garden Community Draft Plan' (attached as Appendix 1 to report A.2) and the related Sustainability Appraisal (SA) (attached as Appendix 2) and other supporting evidence be published for six weeks consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations;
- ii) authorises the Acting Director (Planning) for Tendring District Council, in consultation with the Chairman and Deputy Chairman of the Joint Committee, the Lead Officer for Planning, Housing & Economic Growth for Colchester Borough Council and the Spatial Planning Manager for Essex County Council, to make corrections, if necessary, in order to address any minor formatting, typographical,

grammatical or factual errors within the aforementioned Draft Plan (in Appendix 1), in the event that any are discovered before the public consultation commences; and

iii) agrees further, in respect of the DPD, that –

- (1) the text of Policy 1, as set out on pages 61 to 65 of the Agenda, is checked for consistency with the maps, and phrases which refer to areas such as “Land north of the A133” are replaced with clear references to diagrams or very clear text;
- (2) all maps are to be of a high resolution, “zoomable”, have scales and dimensions included and have a clear key;
- (3) if the intention is that were the University allocation to be moved to south of the A133 then the current University allocation in Option 3 would then become employment land then this needs to be clearly shown on the maps;
- (4) both option 3 & option 3A should each have a clear, unique map showing the changes to land allocations and those changes in hectares or percentages; and
- (5) an explanation of whether Insets 1 and 2 are a combined option or are separate options should be included.

The meeting was declared closed at 10.08 pm

Chairman

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Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Neil Stock OBE in relation to the Russian invasion of Ukraine

“Tendring District Council unreservedly condemns the unprovoked aggression of Russia in invading Ukraine and stands in solidarity with the Ukrainian people and supports the British Government in its diplomatic and economic measures against the Russian State.”

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COUNCIL

29 MARCH 2022

REFERENCE FROM THE CABINET

A.2 FREEPORT EAST FULL BUSINESS CASE

(Report prepared by Lee Heley, Interim Corporate Director (Project Delivery))

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Council on the submission of the Freeport East Full Business Case as set out in the attached Cabinet report, including the Council's participation in the governance of Freeport and the approach to business rate retention. To recommend that Council agree that Freeport East be included within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-24, previously adopted by Full Council.

EXECUTIVE SUMMARY

East Suffolk Council as the Lead Authority, alongside Freeport East, is required to submit a Full Business Case (FBC) to Government for Freeport East on behalf of partners by 15 April 2022. This Business Case will continue to be developed up to that point in consultation with local authority partners and land owners within Freeport East. Freeport East Shadow Board – of which the Council is a member - is due to consider the Full Business Case at its meeting on 6 April 2022.

Freeport East is based around the Port of Felixstowe and Harwich International Port, and includes the Gateway 14 Site in Stowmarket, Suffolk. It comprises 275 hectares of space and facilities across three sites eligible for tax relief ("Tax Sites") at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14. The Harwich Tax Site is intended to be developed as a Clean Energy Hub and create 1,900 jobs.

The Freeport model includes business rate retention. To accompany the Final Business Case all partners have been asked to support the high-level arrangements for business rates retention, under which the retained business rate monies will be divided into three pots: **Pot A** is the existing rates funding calculated on the same basis as would currently apply to the distribution of rates - so authorities are not disadvantaged by taking part in the freeports programme. **Pot B** provides funding from retained business rates to support or accelerate development of a Tax Site, if it is required. **Pot C** provides a fund for economic development within the sub-region, aligned to achieving the wider Freeport Policy objectives including investment in skills, innovation, levelling up, trade, investment, infrastructure, security and net zero carbon.

Previous financial modelling within the Outline Business Case for the Harwich tax site, Bathside Bay, indicated it would generate insufficient rates income to cover the capital investment required in the site, in addition to private investment. So the full development of the site was not viable. However, retained rates modelling has been revised for the Full Business Case, based on live enquiries and industry demand. This modelling indicates there will be sufficient funding from retained rates to make development of the full Harwich tax site at Bathside Bay viable with income in the region of £125m over 25 years.

The Full Business Case will make clear that local authorities including Tendring District

Council would not be asked to provide any direct funding or take on any financial or borrowing risk for the development of the Bathside Bay tax site.

The revenue costs of the Freeport East Delivery Team are being met from the £1m Government capacity funding until they can be supported by income from a top-slice of retained rates. However, around £400,000 a year from 2022/23 will also be required over and above Government funding for revenue projects to meet the Freeport East policy objectives, primarily skills, innovation, and net zero. These revenue projects will be proposed and agreed by the Freeport East supervisory board once the Freeport East entity is formed. This funding is to be undertaken on a one-fifth share for each of the five authorities, equating to **£160,000** in total each, £80,000 in the financial years 2022-23 and 2023-24. In the Financial Year 2024/2025 projected rates income would mean there would be no need for further forward funding for that year, with rates income increasing to the point where it is expected that forward funding would be repaid by 2026-27.

Recruitment to the position of Freeport East Chair and Chief Executive is currently underway. These roles will be paid for by the initial government funding to set up Freeport East, and in the longer term by retained rates flowing from the Freeport sites.

The current version of the Full Business Case does not specify a Company Limited by Guarantee as the governance model and refers to an 'entity'. A governance options appraisal is under discussion by partners at a special Shadow Board meeting on 21 March. However, the options analysis by Freeport East currently recommends a Company Limited by Guarantee, in line with the Outline Business Case. It remains Tendring District Council's position that form (i.e. the entity) follows function, and further consideration of the powers and the functions of the entity should be considered, hopefully the meeting on the 21 March will explore this detail.

The Full Business Case will include a Skills Plan, currently in draft. This is expected to include innovation hubs at Bathside Bay focused on clean energy and at Gateway 14, more widely scoped. A focus for the skills work will be retraining people made redundant through the pandemic to work at tax and customs sites, and also careers aspirations for children in schools.

A copy of the published Leader of the Council's report to the Cabinet meeting on 25 March 2022 on Freeport East is attached as an appendix to this report. **Members will be made aware of Cabinet's formal decision taken on 25 March 2022 in advance of the Council meeting.**

RECOMMENDATIONS

It is recommended that:

- a) **Council supports and endorses the decisions made at Cabinet on 25 March 2022 on the Leader of the Council's Freeport East Full Business Case Report; and**
- b) **confirms that Freeport East be included within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-24, previously adopted by Full Council.**

BACKGROUND PAPERS FOR THE DECISION

Published Decision of the meeting of the Cabinet held on 25 March 2022.

APPENDICES

Published Report of the Leader of the Council for the meeting of the Cabinet held on 25 March 2022.

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A.2 APPENDIX

CABINET

25 MARCH 2022

REPORT OF THE LEADER OF THE COUNCIL

A.8 FREEPORT EAST FULL BUSINESS CASE

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To ask Cabinet to support the submission of the Freeport East Full Business Case, to approve the Council's participation in the governance of Freeport, the approach to business rate retention set out in the report, and to recommend to Full Council seeking approval that Freeport East is consistent with the Council's priorities and policy framework as set out in the Corporate Plan 2020-2024, in particular a growing and inclusive economy.

EXECUTIVE SUMMARY

East Suffolk Council as the Lead Authority, alongside Freeport East, is now required to submit a Full Business Case (FBC) on behalf of partners to Government by 15 April 2022. This Business Case will continue to be developed up to that point in consultation with local authority partners and land owners within Freeport East. Freeport East Shadow Board is due to consider the Full Business Case at its meeting on 6 April 2022 and is also a required approval body following the Full Business Case guidance.

Background

- Throughout 2020, the Council worked with public and private sector partners on a bid to present the case for developing Freeport East as one of the Government's nominated Freeports.
- In the March 2021 Budget, Government announced the intention to designate sites in Essex and Suffolk as 'Freeport East'.
- At their meeting on April 2021, Cabinet received the initial Freeport East report, which set out the purpose of Freeports and the process and roadmap the public / private sector partnership would follow to receive formal designation by Government.
- The Council's Freeport East Portfolio Holder Working Party took place on the 2 September 2021 and agreed to support the Leader of the Council in providing a letter of support in respect of the Freeport East Outline Business Case.
- That Working Party also recommended that the Council pursue steps that Hutchinson Ports Ltd could undertake as part of its commitment to Harwich International Port, the skills agenda so the local population could take on careers that would become available as a consequence of Freeport East, and the need to actively pursue the improvements to the A120 from the A12 through to Harwich.
- In September 2021 Cabinet endorsed the urgent decision taken by the Leader of the Council, on behalf of the Cabinet, to provide a letter of support for the principles

in regard to retained business rates generated within the Freeport East Tax Site, to accompany the Freeport East Outline Business Case, which was submitted to Government on 10 September 2021.

- On the 13 December 2021 the outline business case was formally approved by Government, the three tax sites in Felixstowe, Harwich and at Gateway 14 near Stowmarket were agreed, published on GOV.UK and Statutory Instruments laid to enshrine them in legislation.

Freeports

Government aims for Freeports to attract businesses that import, process and add value, and then re-export goods. At a Freeport, imports can enter certain sites with simplified customs documentation and without paying tariffs. Businesses operating inside designated areas in and around the port can manufacture goods using the imports and add value, before exporting again without full tariffs or customs procedures. If the goods move out of the Freeport into another part of the UK, they must go through the full import process, including paying any tariffs.

It is proposed that Freeports will be part funded by retained business rates, which is the share of business rates retained by central government. Government propose that for Freeports the retained business rate scheme will offer the opportunity for billing authorities to retain more business rates than they otherwise would have. This is effectively extra funding for the area. Money will be available to be spent supporting the development and delivery of the Freeport sites themselves, and to deliver on the wider Freeport policy objectives of improving infrastructure, skills, innovation, investment, trade and net zero initiatives, benefiting residents in the area surrounding the Freeport, including almost all of Tendring District

Freeport East

Freeport East is based around the Port of Felixstowe and Harwich International Port, and includes the Gateway 14 Site in Stowmarket, Suffolk. It comprises 275 hectares of space and facilities across three sites eligible for tax relief ("Tax Sites") at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket. These sites are also eligible for customs duty relief, and there are four additional sites also eligible for customs reliefs ("Customs Sites").

The Harwich Tax Site is intended to be developed as a Clean Energy Hub and create 1,900 jobs. The tax site is largely comprised of areas to be reclaimed from the sea in order to provide a development platform. Significant third party funding in the region of £80m will be required for this site in addition to funding from the Port, potential future users of the site, and the £7m of seed capital funding by HM Government. Two additional Customs Sites are proposed in Essex including the site at Horsley Cross, which is not allocated in the Local Plan and requires planning permission. The sites in Suffolk, although of much smaller scale than Bathside Bay, are ready for development.

The Ports of Harwich and Felixstowe are both owned and operated by companies owned by the Hutchison Group Ltd. The Gateway 14 Site in Stowmarket is owned by Mid Suffolk District Council which is also the billing authority for that site. As part of the operation of the Freeport, the lead authority and the billing authorities have to work together to monitor the site. Responsibility for giving tax exemptions remains with HM Revenue and Customs.

Redistribution of retained business rates

To accompany the Final Business Case all partners have been asked to support the high-level arrangements for business rates retention, under which the retained business rate monies will be divided into three pots. The proposed pots are all funded from Retained Business Rates:

- **Pot A** is the existing rates funding calculated on the same basis as would currently apply to the distribution of rates. Pot A is distributed to local authorities to ensure they do not lose out from Freeport. Councils allocate this funding to their general fund and can spend it as they see fit.
- **Pot B** provides funding from retained business rates to support or accelerate development of a Tax Site if it is required. An application for funding from Pot B by Hutchinson Group Ltd could assist with the development of Bathside Bay. At present the detailed approach to distributing Pot B is yet to be determined.
- **Pot C** provides a fund for economic development within the sub-region, aligned to achieving the wider Freeport Policy objectives including investment in skills, innovation, levelling up, trade, investment, infrastructure, security and net zero carbon.
- The Pot C fund will be administered by the lead authority, East Suffolk Council, and decisions on its use would be determined by the Freeport East Supervisory Board, of which it is proposed Tendring District Council is a member. Projects would need to impact on the area within the Freeport boundary [map](#). The funding within pot C will be defined by the scale of funding required by Pot B to develop the Freeport sites, and the time taken for the Tax Sites to be delivered and occupied and so to begin to generate business rates.

Funding requirement - capital

The Council is not being asked to commit capital funding to the Freeport East programme. It is being asked to support a change to the redistribution of rates in a way which does not affect its current financial position but which reduces the amount of retained business rates which could in future be available under any rate retention scheme.

Work is ongoing with partners to address the identified funding gap for Bathside Bay, including the potential use of retained business rates, provided modelling continues to demonstrate sufficient future income to allow this, as well as wider 'Pot C' investment to deliver the economic development objectives of Freeport East.

As part of these ongoing discussions local authorities including Tendring District Council would **not be asked** to provide any direct funding or take on any financial / borrowing risk.

Retained rates modelling for the Freeport East tax sites has been revised for the Full Business Case. The modelling uses a methodology commissioned and approved for the Enterprise Zones in Norfolk and Suffolk, modified to estimate rates for the Freeport. This revised modelling indicates that there will be sufficient funding from retained rates to make development of the full Harwich tax site at Bathside Bay viable.

As a result, Freeport East will work with the Freeport Hub and other governmental agencies such as the Department for International Trade and the UK Infrastructure Bank to provide upfront funding on the basis that in principle, some, or all of the retained rates in Pot B generated from the Harwich tax site would be allocated to repay this upfront funding.

The Council will be party to these negotiations as the rates billing authority for the Harwich tax site in control of rates. The Council will explore appropriate mechanisms to allow the Pot B income to be transferred to another party over the lifetime of the Freeport to repay the upfront funding into the tax site.

In relation to any funding requirements for transport or other infrastructure, the detailed investment needs arising from the proposed green energy hub at Bathside Bay will become known as further details regarding the proposed uses are developed. Infrastructure requirements directly related to the green energy hub could be addressed through developer contributions as part of the planning process to gain or vary the necessary planning consents. Wider infrastructure provision could be funded through 'Pot C' retained business rates

Funding requirement - revenue

The revenue costs of the Freeport East Delivery Team are being met from the £1m Government capacity funding until they can be supported by income from a top-slice of retained rates. However, **around £400,000 a year from 2022/23 will also be required over and above Government funding for revenue projects to meet the Freeport East policy objectives**, primarily skills, innovation, and net zero. These revenue projects are not set out in the Full Business Case and will be proposed and agreed by the Freeport East supervisory board once the Freeport East entity is formed.

In total the commitment may amount to £0.8m-£1m of revenue prior to rates income being received in 2024/25 to cover Freeport policy objectives. This funding is to be undertaken on a one-fifth share for each of the five authorities, **equating to £160,000 in total** each, £80,000 in the financial years 2022-23 and 2023-24. In the Financial Year 2024/2025 projected rates income would mean there would be no need for further forward funding for that year, with rates income increasing to the point where it is expected that forward funding would be repaid by 2026-27.

Governance

The Outline Business Case proposed a Company Limited by Guarantee as the vehicle for decision making. However an options appraisal process is currently underway on the best future model so that the form of the entity that governs Freeport East can best follow its functions. The current draft Full Business Case refers to the governing entity rather than specifying a company.

A shadow board is currently established and includes a number of partners including:

- Tendring District Council
- Essex County Council
- Suffolk County Council
- East Suffolk Council
- Mid Suffolk District Council
- University of Essex
- Hutchison representative
- New Anglia LEP and South East LEP

Under current proposals for the governing entity, Tendring District Council would be a member, and appoint a Director to the board, along with East Suffolk and Mid Suffolk District Councils and Hutchison Port. Essex and Suffolk County Councils and the Local

Enterprise Partnership (LEP) would be members but each County and LEP would rotate board members annually.

The Terms of Reference for the governing entity within the Full Business Case currently propose that decisions will be taken by unanimity, which seeks to overcome the larger number of Suffolk than Essex authorities, and the imbalance between public and private sector partners. Partner authorities will continue discussion of the proposed governance model. The Leader will consider the risks and issues before making a final decision on participation in the governing entity.

Recruitment to the position of Freeport East Chair and Chief Executive is currently underway. These roles will be paid for by the initial government funding to set up Freeport East, and in the longer term by retained rates flowing from the Freeport sites. The individuals, once appointed, will replace the Acting Chair and Chief Executive, who are in place on an interim basis. Tending is engaging on this process through its place on the Supervisory Board.

Skills

The Full Business Case will include a Skills Plan, currently in draft. This is expected to include innovation hubs at Bathside Bay focused on clean energy and at Gateway 14, more widely scoped. A focus for the skills work will be retraining people made redundant through the pandemic to work at tax and customs sites, and also careers aspirations for children in schools.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) Gives its support to the Freeport East Full Business Case to be submitted by East Suffolk Council to Government;**
- b) Agrees to the approach to local business rate retention set out in the Full Business Case summarised in this report;**
- c) Agrees that the Leader and Officers participate in the governance proposals set out in the Full Business Case on the principle that Tending District Council becomes a member of the body set up to govern Freeport;**
- d) Subject to (c) above, any decision to formally become part of the governing body will be taken by the Leader, in accordance with previous delegations, following consultation with his Portfolio Holder Working Party;**
- e) Approves the Leader of the Council appointing a Member representative to that governing body;**
- f) Assigns £160,000 to pay for projects in support of Freeport East to be agreed through Freeport governance structure and notes that the Full Business Case sets out the expectation that this sum should be repaid to the Council from future retained business rates; and**
- g) Recommends to Full Council that Freeport East is confirmed within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 20-24, previously adopted by Full Council.**

REASON(S) FOR THE RECOMMENDATION(S)

Support for the Full Business Case is recommended because it sets out a path to develop Bathside Bay through Freeport East as a clean energy hub, delivering economic growth and jobs to Tendring District.

The Council's Economic Strategy 2020 to 2024 states that a key action should be to "Work with Essex County Council to facilitate senior level discussion with the owners of Harwich Port so secure an agreed long-term strategy for the Port. Based on these discussions, develop a clear plan for investment in quayside infrastructure." The Strategy also notes that the 2013 Strategy it supersedes had also sought to see the Port developed at Harwich.

In short, Freeport East is the best opportunity to see Bathside Bay developed in a generation.

The Council should support the retained rates model as the financial model for the development of Bathside Bay requires subsidy, given the level of initial infrastructure investment required. The retained rates model enables that investment.

The Council is the District authority for Harwich taking a community leadership role, it is the billing authority for business rates, and the planning authority for development at the Port. The Council has an interest in seeing the best investments come forward from the retained rates from the Freeport. As such, it is recommended that the Council participate as part of the governance of the Freeport, so that we can influence its development.

The Council should, alongside the other four authorities, provide cash flow to enable early investment in socially beneficial projects through the Freeport, given the long term benefits that will flow from it, and the likelihood of repayment of the sum, once firms on the new developments start to pay business rates. Subsidiary Control requirements must be kept under review through this process although, at this stage of the project there are no adverse implications.

ALTERNATIVE OPTIONS CONSIDERED

Option A

For the Council to not endorse the Full Business Case, not take part in the business rates policy or the governance of Freeport East. This option would make the development of the Bathside Bay and the Port at Harwich unviable in its current form, as the Council is the billing authority and is required to support the local retention of business rates that will in part fund the development of the Port. Developing Bathside Bay has been an aspiration in Harwich for generations and is a specified goal in the Council's adopted Economic Development Strategy. This Option is against the thrust of Council policy and is not recommended.

Option B

To support the development of Freeport East and endorse the Full Business Case, but not to take part in its governance arrangements or fund any costs. This option would not automatically stop Freeport East or the developments at Bathside Bay coming forward. It would reduce the amount of Council resource required to support the project which comes with intensive partnership working.

However, it would reduce the Council's influence over Freeport East, most importantly once the business rates are paid by new firms moving into Freeport East with the potential to invest that funding into projects in Tendring District. It will also reduce our engagement with the Port on the development of Bathside Bay. In addition, not taking part in the

governance could be seen by our partners and Government as a signal that the Council is not fully supportive of Freeport East, making further investment to develop from Government to develop Bathside Bay harder to secure.

Option C – Recommended Option as set out in this report to support the Freeport East Full Business Case, endorse the locally retained Business Rates approach, take part in the Governance of Freeport East and financially support Freeport East projects alongside other local authority partners in the first two years, with the potential for re-imburement.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

As set out in the September 2021 report to Cabinet, the delivery of Freeport East will contribute to the Council’s priority to ‘A Growing and Inclusive Economy’ including:

- Developing and attracting new businesses
- Supporting existing businesses
- More and better jobs

The Council’s contribution to the Freeport bid was a key action point of the Back to Business agenda, to support the District’s recovery from the Covid-19 pandemic.

At its meeting in April 2021, Cabinet approved the inclusion of the Freeport East project within the Corporate Key Priority Actions for 2021/22 and at its meeting in February 2022 Cabinet agreed the inclusion of Freeport East as key action within its 2022/23 priorities (under D1, Develop and Attract new business)

The Council’s Economic Strategy 2020 to 2024 states that a key action should be to “Work with Essex County Council to facilitate senior level discussion with the owners of Harwich Port so secure an agreed long-term strategy for the Port. Based on these discussions, develop a clear plan for investment in quayside infrastructure.”

Improved public health is also a community leadership ambition, and it is clear that in the long term health outcomes improve when there is an increase in jobs and economic activity, which a thriving Freeport at Harwich could provide.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Cabinet members have discussed the Freeport, most recently at their meeting in September 2021. They have been briefed on the contents of this report and are supportive of the recommended approach.

All member were briefed on Freeport East on 23 February 2022, setting out the purpose and location of developments, and operation of the Freeport, including as a clean energy hub at Harwich.

A Member Working Party took place on 2 September 2021 and a second took place on 16 March 2022. At the first meeting the Working Party highlighted the importance of the delivery of Bathside Bay, improvements to the A120, support for skills development so residents can apply for the jobs that come forward once Bathside Bay is developed, and a focus on the careers service within local schools so pupils understand the opportunities

coming forward through Freeport East. These points have been raised with the Port as they bring forward their economic strategy for as part of the planning application for Bathside Bay and inform the Full Business Case. The A120 will be not be fully upgraded before commencement of the planning consent; the Clean Energy Hub has fewer vehicle movements than a container Port. The Council has highlighted the importance of A120 upgrades to Highways England as part of their route strategies consultations, and with Transport East.

The Freeport East Portfolio Holder Working Party on 16 March received an update on the progress with the Freeport East programme and the development of the Full Business Case, and discussed the issues within it. The Working Party noted that the Leader of the Council (as the Portfolio Holder with responsibility for Freeport East) intends to recommend to Cabinet that it should endorse the Freeport East Full Business Case and formally supported the Leader of the Council in making that recommendation to the Cabinet. The Working Party further agreed that the Chief Executive be requested to investigate the possibility of holding a ‘Business Summit’ to enable the Council to engage with local businesses on the opportunities arising from Freeport East and that, ideally, this summit meeting should be held at the Port of Harwich as part of a “Business Week” of activities.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

<p>Is the recommendation a Key Decision (see the criteria stated here)</p>	<p>YES</p>	<p>If Yes, indicate by which criteria it is a Key Decision</p>	<p>X Significant effect on two or more wards Involves £100,000 expenditure/income X Is otherwise significant for the service budget</p>
		<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>16 February 2022</p>

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

The Monitoring Officer is aware and supportive of the proposals set out in this report for the Council’s engagement with Freeport East.

Government policy is still in a formative state and further legislation may be needed in order to fully implement Freeports. The designation under the Finance Act 2021 does not itself have any direct legal effect, but it is a clear statement of intent by the Government.

The current version of the Full Business Case does not specify a Company Limited by Guarantee as the governance model and refers to an entity. A governance options

appraisal is under discussion by partners at a special Shadow Board meeting on 21 March. However, the options analysis by Freeport East currently recommends a Company Limited by Guarantee, in line with the Outline Business Case. It remains Tendring District Council's position that form (i.e. the entity) follows function, and further consideration of the powers and the functions of the entity should be considered, hopefully the meeting on the 21 March will explore this detail.

Freeport East recommends that those partners who feel able to sign up progress with a Company Limited by Guarantee, leaving space for other partners to join later.

The key benefit to a company and the reason for the option appraisal recommendation is that this form of governance can bring together the private and public sector into a form of governance in which each participates on the same footing, and Government guidance requires that the public and private sectors take part in Freeport governance.

There are also delivery pressures to make progress with the governance model. The Government seed capital grant of £25m rests on Full Business Case approval, and making progress with governance is one of the criteria.

There are also risks with a Company Limited by Guarantee. Directors need to act in the interest of the company, not their nominating authority. There may be instances where these interests are in tension – for example in the location of the allocation of retained rates funding. There may also be instances where local authority neutrality on the location of investment acting in the interest of Freeport East could benefit Tendring, given business rates will first be generated outside the district on tax sites in Felixstowe and Gateway 14, but Harwich has strongest case for regeneration, and the tax site requiring most investment.

There is also a risk of setting governance in stone too early. Experience from other major partnership projects suggests that many of the operational details of Freeport East are likely to take months of discussion amongst partners to resolve after the Full Business Case is submitted: for example, the detail of the operation of the funding Pots B and C. It is important that any decisions on governance (the form of Freeport East) do not constrain decisions on operations (the function) of Freeport East ahead of time.

Freeport East is a major programme of activity. The Council has included development of the Port at Harwich within our Economic Development Strategy, and we have included Freeport East within the corporate actions the Council monitors. It is however important to fully integrate Freeport East and its governance within the Council's Policy Framework as a programme with its financial consequences related to business rate retention: support for the Full Business Case, ultimately at Full Council, will achieve this.

The Leader committed to setting up a Portfolio Holder Working Party in relation to Freeport East and so far has received across party support in the way the project is progressing. The Council's Corporate Plan for 2020-24 was adopted in January 2021, prior to any decisions being made on Freeport status. A recommendation should be made therefore, to Full Council for confirmation that Freeport East does form part of the Council's Budget and Policy Framework and inclusion within the current Corporate Plan, whilst accepting that the decisions made in relation to the Freeport will remain executive functions (unless reserved to Full Council through legislation or Financial Procedure Rules).

The operation of subsidy control within Freeport East, including its governance, is yet to be determined, and will need to be considered in its decision making, for example through the operation of Pot B funding for infrastructure. At this stage the decisions relating to

Business Rates are to provide support at a high level and the impact of future expectations will form part of future decision making.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Business rates

Freeport finances operate by retaining rates by businesses which move into a Freeport or expand within it. This arrangements lasts for a 25 year period. The rates are retained for local investment in the three areas:

- To ensure local authorities do not lose out from the local tax reliefs available to businesses through Freeport (called '**Pot A**'). Councils allocate this funding to their general fund and can spend it as they see fit.
- To fund the **Freeport infrastructure** to develop the sites, for example to pay for land reclamation or other required infrastructure (called '**Pot B**').
- To **support public benefit in the sub region**, including economic development, skills and innovation (**Pot C**). This fund is administered by the lead authority, East Suffolk Council, and decisions on its use would be determined by the Freeport East Supervisory Board. Projects would need to impact on the area within the Freeport boundary [map](#), and be aligned to the Freeport's objectives. This funding could also be used to enable the timely delivery of the tax sites on a case by case basis (similar to Pot B above.). Proposals will be put forward by Freeport East's sub-boards, be agreed via the Management and Supervisory Boards of Freeport East, with decisions actioned by East Suffolk Council as the Lead authority.

In addition, some of the retained rates will be used to pay for the overhead costs of the body managing Freeport East (see below for more detail).

By supporting the Freeport East Full Business Case the Cabinet endorses this approach to business rates.

The Council as the billing authority will be responsible for determining the suitability of end occupiers of tax sites for business rate relief. The Council will engage with partners in Freeport East who will recommend a common approach across the Freeport area. Decisions on which firms occupy the Freeport tax sites rests with the land owners.

East Suffolk Council will as the lead authority will hold and transfer retained rates funding and Capital seed funding.

Tax sites

This approach to retaining business rates, along with other tax benefits for firms, applies within specified areas known as the Freeport tax sites. The sites are designated and recognised in law as geographical areas where businesses can benefit from tax reliefs to bring investment, trade and jobs. Maps can be viewed on www.gov.uk: [Maps of Freeport East tax sites - GOV.UK \(www.gov.uk\)](#). The tax sites for Freeport East have been designated with effect from 30 December 2021.

Interim funding for 'Pot C' Freeport East

The revenue costs of the Freeport East Delivery Team are being met from the £1m Government capacity funding until they can be supported by income from a top-slice of

retained rates.

However, around £400,000 a year from 2022/23 will also be required over and above the governmental funding for revenue projects to meet the Freeport East policy objectives, primarily skills, innovation, and net zero. These revenue projects are not set out in the Full Business Case and will be proposed and agreed by the Freeport East supervisory board once the Freeport East entity is formed.

In total the commitment may amount to £0.8m-£1m of revenue prior to rates income being received in 2024/25 to cover Freeport policy objectives. This funding is to be undertaken on a one-fifth share for each of the five authorities, **equating to £160,000 in total** each, £80,000 in the financial years 2022-23 and 2023-24. In the Financial Year 2024/2025 projected rates income would mean there would be no need for further forward funding for that year, with rates income increasing to the point where it is expected that forward funding would be repaid by 2026-27.

If, theoretically, one local authority does not agree to contribute their share of the forward funded revenue then the shortfall will need to be covered by the other partners.

Forward funding infrastructure

The Government’s Freeport Bidding Prospectus, the Setup Phase and Delivery Model Guidance, and the Final Full Business Case Guidance have all made reference to the possibility of local authorities borrowing against future retained business rate growth in a tax increment financing (TIF) model, under the Prudential Framework, including from the Public Works Loan Board and, for eligible capital spend, the UK Infrastructure Bank.

Local authorities have a duty to ensure that borrowing and investment is prudent, affordable, and sustainable and must be subject to their own assessment of risk. Local authority Section 151 officers have considered this issue and concluded that these criteria could not be met. As a result forward borrowing could not be undertaken by local authorities. The reasons for this include:

- the scale of investment required, particularly in respect of the Harwich Tax Site;
- risk regarding development of the sites and the realisation of rates income;
- timing of the investment compared with payback period through retained rates;
- location of the sites in three different billing authority areas and their differing investment requirements;
- private ownership of two of the three sites; and
- potential subsidy control issues.

As a result the Full Business Case Commercial Case includes **a firm statement that local authorities will not be undertaking any forward borrowing against retained rates income.**

Capital seed funding

The government will provide £25m of capital funding once they have approved the Full Business Case. The funding from government will be spent across the tax site as follows.

Site	Funded activities	Seed funding requirement	Strategic / economic benefit alignment
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Felixstowe Tax Site	Site preparation works including provision for the development of HV network	£12.0m	Levelling up of service offering from (low value, low margin) simple logistics to (high value) manufacturing / processing
Additional information: we estimate peak job creation at 6,000 FTEs and private sector funding requirements of £89m (real, 2021 prices).			
Gateway 14	Site preparation works & supporting infrastructure to incentivise net zero & skills / innovation centre developments	£6.0m	Net zero agenda, innovation & skills development
Additional information: we estimate peak job creation at 4,900 FTEs and private sector funding requirements of £27m (real, 2021 prices).			
Harwich Tax Site	Small scale site preparation works.	£7.0m	Enabling works in support of the wider development of Bathside Bay to address market failures in the offshore wind sector
Total		£25.0m	

Financing of the Harwich Tax site at Bathside Bay

Previous financial modelling within the Outline Business Case for the Harwich tax site indicated total gross retained rates income in the region of £70m over 25 years. As a result the Harwich tax site would generate insufficient rates income for that Pot B allocation to cover the capital investment required for site development, in addition to private investment. So the full development of the site was not viable.

However, retained rates modelling for the Freeport East tax sites has been revised based upon live enquiries and industry demand for the site for the Full Business Case. The modelling uses the PWC model and methodology commissioned and approved for the Enterprise Zones in Norfolk and Suffolk, modified to estimate rates for the Freeport. This revised modelling indicates that there will be sufficient funding from retained rates to make development of the full Harwich tax site at Bathside Bay viable with income in the region of £125m over 25 years.

As a result, Freeport East will work with the Freeport Hub and other governmental agencies such as the Department for International Trade and the UK Infrastructure Bank to provide upfront funding on the basis that in principle, some, or all of the retained rates in Pot B generated from the Harwich tax site would be allocated to repay this upfront funding. The Council will be party to these negotiations as the rates billing authority for the Harwich tax site in control of rates. The Council will explore appropriate mechanisms to allow the Pot B income to be transferred to another party over the lifetime of the Freeport to repay the upfront funding into the tax site.

The Harwich tax site will be built out fully, also enabling the full benefit of jobs, with an estimate of peak job creation at 1,900 full time equivalent employees.

Resource implications

The Freeport Programme has resource implications. The Freeport Team will manage the majority of the work. However, there will continue to be subgroup meetings, management boards and Supervisory boards. This puts a resource requirement onto the nominated Cabinet Member and on staff. A new Essex County Council post hosted within the Council is starting for a year from March 2022 which will provide some additional capacity to support on projects with a common interest with the County Council, including Freeport East.

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

The S151 Officers has contributed to and supports this report and endorses the approach to engagement with Freeport East as set out and the Business Rates proposals.

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>The Council has, along with partners, taken a prudent decision to not forward fund tax sites ahead of business rate income. Rather we will provide an enabling approach to business rates that supports the development of the Port without risk to the Council’s finances.</p>
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<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks; and</p>	<p>The Council has worked intensively with partners in Freeport East to ensure that it has the necessary information and negotiations to make an informed decision on endorsing the Full Business case. There has been on going engagement on the Shadow Board, Freeport East Working Party, Monitoring Officers and S151 officers groups. The Council is taking the Freeport East Full Business Case decision to a working party, Cabinet, and Full Council to ensure full engagement.</p>
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<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>The financial modelling of the main site in Tendring, Bathside Bay, has demonstrated that it is possible to build out the full site if a third party can provide up front financing, enabling an increase in additional jobs from 400 (with just smaller enabling works) to 1,900 (for the full project). This demonstrates an understanding of the relationship between costs and performance leading to improved outcomes.</p>
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MILESTONES AND DELIVERY

For the overall Freeport there are the following milestones:

- 15 April – Submit Full Business Case
- Summer 2022 - Government endorses Full Business Case
- Summer / Autumn 2022 - Designation of Freeport
- Summer / Autumn 2022 - Release of £25m seed capital funding to Freeport East
- The government intends to offer SDLT relief on land purchases within Freeport tax sites in England where that property is to be used for qualifying commercial activity.

It is intended that this relief will apply from 1 April 2021 until 31 March 2026

For the Harwich Tax Site, Bathside Bay the forecast is for units to become live commencing 2024/25 and full build out in 15 years.

- | | | |
|--|--------|--------|
| • Planning application | Jul-21 | Mar-22 |
| • Design & procurement | Jul-21 | Jun-22 |
| • Small scale preparation (£7m seed funding from Government) | Apr-22 | Dec-22 |
| • Phase 1 Large scale land reclamation & construction works | Jan-23 | Dec-24 |
| • Phase 2 Large scale land reclamation & construction works | Dec-24 | Dec-25 |
| • Phase 3 Large scale land reclamation & construction works | Dec-25 | Dec-26 |
- 2025-2026 Business rates flow into Pot's A, B and C for local investment.
 - 2027 onwards Proposals for regeneration developed and funded.
 - September 2046 – Business rates on sites flow to central government.

ASSOCIATED RISKS AND MITIGATION

There are a number of risks with the development of Freeport.

There is a risk that the Freeport requires significant staffing resources. This is a relatively small risk, as the burden of work is shared across five authorities, and the process of development of the Full Business Case has shown that it is possible for larger partners, such as Essex County Council, to put in more resource to support delivery. There is also a permanent staffing resource proposed within the Freeport.

Conflict of interest risk. There is a risk that the interests of the Freeport company come into conflict with Council, for example in the location of generation investment from 'Pot C'. The governance of the Freeport needs to be set up in a way that ensures that each authority has a strong voice, to ensure that the breadth of interests across the Freeport are balanced. (It is worth noting that with the Harwich Tax site likely contributing the least to Pot C, at least in early years, Tendring could benefit from project spend being determined by need not contribution.)

Financial risks. As the finance section sets out, the main potential financial risk of forward funding development of Bathside Bay site has been ruled out in the Full Business Case. However, the Council has been asked to contribute £160,000 to projects within the Freeport, and it is possible that the expected funding to repay this investment does not come forward. We need to assign budget to the programme that does not rely on the being repaid.

Delivery risks. There remains significant risk that Bathside Bay is not delivered through the programme. The site requires significant commercial and government investment, and there is no guarantee that commercial partners or government agencies will come forward. Hutchinson Ports has a good relationship with Government, and a strong public affairs function. And it has completed significant commercial work with the Clean Energy Sector to promote the site to new firms. However, it is not guaranteed that these discussions will turn into investments.

Benefit risk – There is a risk that even if Bathside Bay is delivered to its full capacity, Tendring residents do not benefit significantly because commuters from outside the district are employed on the site. The work on skills development as part of the Freeport has started with a skills working group to develop Skills plans that identify programmes to provide residents skills to enable them to take up opportunities, linked to the local enterprise partnership skills panels. The Freeport is working with the County Councils and Chambers of commerce in Essex and Suffolk, Colchester Institute, Suffolk New College, West Suffolk College, and training provider networks. Projects will come forward to be funded from ‘Pot C’.

The environmental risks with the development of the Harwich Tax sites have been dealt with in detail through the recent planning process and there is environmental mitigation plans in place for Bathside Bay. More broadly, the development of a clean energy hub is a significant environmental opportunity for the district to support the shift from fossil fuels to renewable energy.

EQUALITY IMPLICATIONS

An equality impact assessment has been completed the Council’s involvement in this programme. It has two main findings. As a jobs programme, Freeport East will impact primarily on people of working age, or younger people who will become of working age. It is not targeted at older people. However, there is no need to change the operation of the programme, which legitimately primarily benefits people of working age.

Green energy sector jobs are predominantly taken up by men. The International Renewable Energy Agency states that “Wind energy sector is male dominated, with women representing just 21% of the workforce” in its 2020 Annual Review, page 13. As such, there will be a need to be a focus on supporting women’s entry into the workforce.

The Full Business Case highlights that Freeport East aims to have a workforce that is representative of the local community. Freeport East will publish a diversity statement and an annual report to the Supervisory Board on progress in encouraging diversity and will nominate a diversity champion from the board to embed diversity across Freeport East to ensure objectives are met.

SOCIAL VALUE CONSIDERATIONS

There is very significant social value potential with the Freeport programme. The development has the potential for 1,900 jobs at the Harwich Tax site, and a skills development programme that will help residents to learn the skills to access the jobs. The Freeports are able to spend business rates for a period of 25 years locally, on the development of the infrastructure to create the sites in the first place (Pot B) and on local regeneration schemes, including skills development so people can access the jobs (Pot C). The economic strategy submitted as part of the recent Planning process associated with Bathside Bay includes 10 day local advertising to give residents an opportunity to access jobs ahead of competitors from outside the District.

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

The shift to the UK becoming Carbon neutral by 2050 - in part - relies on shifting energy use from petrol and gas to electricity, and shifting electricity production from carbon intensive means, like gas fired power stations, to renewables, like wind, solar and nuclear.

The development of off shore wind farms in the north sea is a crucial part of the government's strategy to reach net zero by 2050. In addition, some larger forms of transport like shipping, aircraft and lorries, may find it difficult to move from petrol to electric power given the amount of energy needed to move them. As a result hydrogen may become a means to power larger transport.

The Clean Energy Hub at the Harwich Tax site is designed to support the expansion and management and operations of wind turbines in the north sea. As such it is part of the effort to shift the country's energy supply towards net zero. The development of hydrogen technology is another route to supporting the energy transition needed to deliver the UK's climate ambitions. The carbon that is used now to develop the Clean Energy Hub is supporting the move away from fossil fuels and towards renewable energy, which is a key part of the overall national climate change approach.

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.

<p>Crime and Disorder</p>	<p>It is recognised that the customs arrangements related to Freeport East will create security risks, as is typical for all customs sites. A sub group will focus on security issues, and will operate based on a robust threat, vulnerability and risk assessment. This will consider both physical and cyber-security risks to remove the opportunity for crime, terrorism and illicit trading. The risk assessment will include all the relevant security stakeholders, including local and national Policing, Border Force, MHCLG, Home Office, HMRC and other relevant agencies. Appropriate measures will be established to ensure the physical site and the systems utilised within are kept secure.</p> <p>From the outcomes of the risk analysis, a Security Concept of Operations and a layered Protective and Criminal Activity Detection Plan will be developed, ensuring compliance with the OECD Code of Conduct for Clean Free Trade Zones. These plans will also ensure that all businesses operating within the Freeport East area will have mandatory minimum security and reporting requirements placed upon them.</p>
<p>Health Inequalities</p>	<p>The impact of the Freeport on jobs is expected to have a consequential positive impact on health inequalities. The former Director of Public Health at Essex County Council Dr Mike Gogarty has highlighted that in the long term the economic benefit that comes from work has a positive impact on people's health, and that bringing jobs into a location is one of the best public health measures that can be taken.</p>
<p>Area or Ward affected</p>	<p>All Wards.</p> <p>The policy will have particularly significant impact on Harwich and Kingsway, Dovercourt Bay and Dovercourt Vines and Parkston where the major Tax site is located at Bathside Bay.</p>

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Throughout 2020, the Council worked with public and private sector partners on a bid to present the case for developing Freeport East (which includes Harwich International and Felixstowe Ports), as one of the Government's nominated Freeports.

A report in April 2021 set out to Cabinet the objectives of the Government's Freeport policy and an outline of the bid which Freeport East submitted.

Purpose of Freeports

The Government announced the formation of eight new Freeports to become innovative hubs, boost global trade, attract inward investment and increase prosperity in the surrounding area by generating employment opportunities. Freeports offer tax and customs benefits to boost economic growth.

What Freeport's offer

Freeports are secure customs zones located at ports where business can be carried out inside a country's land border, but where different customs rules apply. They can reduce administrative burdens and tariff controls, provide relief from duties and import taxes, and ease tax and planning regulations.

Customs: Typically, goods brought into a Freeport do not attract a requirement to pay duties until they leave the Freeport and enter the domestic market – and no duty at all is payable if they are re-exported. If raw materials are brought into a Freeport from overseas and processed into a final good before entering the domestic market, then duties will be paid on the final good. Freeports may also offer simplifications to the normal customs administrative processes on imported goods.

Tax benefits. Companies inside the sites pay lower property taxes on new buildings they buy (stamp duty land tax) and lower rates of national insurance for new staff they employ. In addition there is five years of Government funded rate relief to businesses that enter the tax site before 30 Sept 2026

Supply chain. Freeports also offer significant supply chain opportunities for businesses located in the wider geography outside the Freeport redline boundary.

How Freeports work: retained rates

The council area in which the Freeport tax sites are located will retain 100 percent of the business rates growth above an agreed baseline within those sites. This income will be guaranteed for 25 years, giving a long term stream of local finance.

To accompany the Full Business Case all partners have been asked to support the high-level arrangements for business rates retention, under which the retained business rate monies will be divided into three pots. The proposed pots are all funded from Retained Business Rates:

- Pot A is the existing rates funding calculated on the same basis as would currently apply to the distribution of rates. Pot A is distributed to local authorities to ensure they do not lose out from Freeport. Councils allocate this funding to their general fund and

can spend it as they see fit.

- Pot B provides funding from retained business rates to support or accelerate development of a Tax Site if it is required. An application for funding from Pot B by Hutchinson Group Ltd could assist with the development of Bathside Bay. At present the detailed approach to distributing Pot B is yet to be determined.
- Pot C provides a fund for economic development within the sub-region, aligned to achieving the wider Freeport Policy objectives including investment in skills, innovation, levelling up, trade, investment, infrastructure, security and net zero carbon. This fund is administered by the lead authority, East Suffolk Council, and decisions on its use would be determined by the Freeport East Supervisory Board, of which Tendring District Council is a member. Projects would need to impact on the area within the Freeport boundary [map](#). The size of pot C will depend on the requirements of Pot B (development of Freeport sites) and the time taken for the Tax Sites to be delivered and occupied.

So the more development that takes within the Freeport sites, the more local rates are retained, the more local funding will become available.

Economic impact

One of the concerns for central Government is that the Freeport's attract businesses onto sites from the local area, or other areas of the UK, which would have expanded anyway. As such the tax benefits do not generate economic growth, they just move it, and do so at a cost to the tax payer from the reliefs offered. This is less of a risk from the Tendring perspective, as it will benefit the District regardless of where firms have come from. However, The Full Business Case has sought to articulate clearly how Freeport East adds to the UK economy, and the Clean Energy Hub is servicing a clean energy industry that needs new space to grow. Bathside Bay in particular offers an opportunity to attract, potentially, international clean energy firms into Tendring, and the scale of the site next to a deep water port offers wind turbine manufacturers a type of site that does not exist elsewhere in this part of the UK.

Freeport East development process to date

East Suffolk Council, as the Lead Authority for Freeport East, is now required to submit a Full Business Case (FBC) on behalf of partners to Government by 15 April 2022. This Business Case will continue to be developed up to that point in consultation with local authority partners and land owners within Freeport East. Freeport East Shadow Board is due to consider the Full Business Case at its meeting on 6 April 2022.

- Throughout 2020, the Council worked with public and private sector partners on a bid to present the case for developing Freeport East as one of the Government's nominated Freeports.
- In the March 2021 Budget, Government announced the intention to designate sites in Essex and Suffolk as 'Freeport East'.
- At their meeting on April 2021, Cabinet received the initial Freeport East report, which set out the purpose of Freeports and the process and roadmap the public / private sector partnership would follow to receive formal designation by Government.

- The Council's Freeport East Portfolio Holder Working Party took place on the 2 September 2021 and agreed to support the Leader of the Council in providing a letter of support in respect of the Freeport East Outline Business Case.
- That Working Party also recommended that the Council pursue steps that Hutchinson Ports Ltd could undertake as part of its commitment to Harwich International Port, the skills agenda so the local population could take on careers that would become available as a consequence of Freeport East, and the need to actively pursue the improvements to the A120 from the A12 through to Harwich.
- In September 2021 Cabinet endorsed the urgent decision taken by the Leader of the Council, on behalf of the Cabinet, to provide a letter of support for the principles in regard to retained business rates generated within the Freeport East Tax Site, to accompany the Freeport East Outline Business Case, which was submitted to Government on 10 September 2021.
- On the 13 December 2021 the outline business case was formally approved by Government, the three tax sites in Felixstowe, Harwich and at Gateway 14 near Stowmarket were agreed, published on GOV.UK and Statutory Instruments laid to enshrine them in legislation.

The tax sites

Freeport East has three main sites where tax benefits will accrue to companies expanding or moving in: Harwich, Felixstowe and Gateway 14.

Harwich Tax Site Green Energy Hub

This will develop a cluster of organisations that are driving forward the future of clean energy generation, focusing on hydrogen and offshore wind.

The UK is the world's largest market for wind. Before 2030, £16bn of capital expenditure is anticipated in East Anglia ONE North, TWO and THREE, Norfolk Vanguard and Norfolk Boreas: 35 percent of total investment in offshore wind in the UK. Freeport East intends to develop a renewable energy supply chain that exploits Freeport East's unique position at the centre of this industry and helps to deliver 60 percent UK content for offshore wind.

This programme will be enhanced with innovation and skills initiatives that will support the local workforce to access these new roles and opportunities. The increase in employment land and high value jobs will aid justification for increased transport and housing developments and lead to a supporting service industry that will aid the wider regeneration of the local area.

Felixstowe Tax Site

High value manufacturing, processing, and engineering hub to maximise the benefits being immediately adjacent to Felixstowe Port, the UK's gateway to Europe, Asia and the rest of the world. The investment into Felixstowe and its drive towards trialling innovative usages of hydrogen and new 'Internet of Things' technology will drive investment into Felixstowe and the wider area to support investment into housing, transport and skills facilities.

Gateway 14 Tax Site

The focus will be on innovative clients that align to the Net Zero vision for the site. High value logistics, manufacturing, R&D and professional services are the primary sectoral focus for the site. This will be enhanced with innovation and skills initiatives that will

support the local workforce to access these new roles and opportunities. The increase in employment land and high value jobs will aid justification for increased transport and housing developments and lead to a supporting service industry that will aid the wider regeneration of the local area.

Combined tax & customs sites

- Felixstowe (**primary customs site** and also a tax site);
- Harwich (also a tax site)
- Gateway 14 (also a tax site), Stowmarket

Customs sites

- Parker Avenue, in close proximity to the Port of Felixstowe
- Clickett Hill Road, in close proximity to the Port of Felixstowe
- Port One, Great Blakenham
- Horsley Cross, Tendring.

Inward Investment

Freeport East will result in hundreds of millions of investment in new infrastructure, subject to securing revenues to deliver the business cases. This includes private investment in the three tax sites.

Planning

The Local Planning Authorities (LPAs) of East Suffolk, Mid Suffolk and Tendring commit to the creation of a collaboration network to ensure the provision of complementary and consistent advice to landowners as they progress development at the designated tax and customs sites.

The LPAs will also work together to explore the potential to prepare fast-track processes and will work together to liaise with Government and other agencies/statutory consultees to expedite whatever other consents/responses/licenses may be required to ensure delivery is not delayed. This will require an early focus on the issues relating to individual sites in discussion with statutory consultees and the potential to simplify the planning regime to achieve the desired ends, whilst delivering high quality, sustainable development.

Another consideration will be the proactive review of legislation including permitted developments and associated criteria under the Ports Act 1991 to understand other mechanisms for accelerating the granting of permissions for sites already within port boundaries.

Governance of Freeport East

The Outline Business Case proposed a Company Limited by Guarantee as the vehicle for decision making. However an options appraisal process is underway on the best future model so that the form of the entity that governs Freeport East can best follow its functions. The current draft Full Business Case refers to the governing entity rather than specify a company.

A shadow board is currently established and includes a number of partners including.

- Tendring District Council
- Essex County Council,
- Suffolk County Council,

- East Suffolk District Council,
- Mid Suffolk District Council,
- Essex University,
- Hutchison representative
- New Anglia LEP and South East LEP

Under current proposals for the governing entity, Tendring District Council would be a member, and appoint a Director to board, along with East Suffolk and Mid Suffolk District Councils and Hutchison Port. Essex and Suffolk County Councils and the Local Enterprise Partnership would be members but each County and LEP would rotate board members annually.

The Terms of Reference for the governing entity within the Full Business Case currently propose that decisions will be taken by unanimity, which seeks to overcome the larger number of Suffolk than Essex authorities, and the imbalance between public and private sector partners.

Whilst the benefits to Tendring that could flow from the delivery of Freeport East and use of retained business rates could be significant, there are also risks and issues that need to be considered in the setting up of governance. Partner authorities will continue discussion of the proposed governance model. The Leader will consider the risks and issues before making a final decision on participation in the governing entity.

Skills

The Council welcomes the skills development and employment opportunities that Freeport East will bring. The Council will work with partners to maximise skills opportunities leading to employment for our residents. The Council is working with Essex and Suffolk County Councils on a skills and employment plan for the Full Business Case that sets out how our interventions will maximise new labour market opportunities for residents.

Schools. Working with the Tendring Education Strategic Board and Essex County Council, Freeport East will establish what resources schools and other providers need to support the preparation of students for future jobs in Tendring and surrounding areas, review existing delivery models, and agree expected outcomes, next steps, budget and resource needs.

Skills proposal in the Full Business Case currently include:

Energy Skills Centre at Harwich - Phase 2: Improved facilities to support low carbon hydrogen technologies, fuel cells, carbon capture, and distribution. It will also include training for nuclear developments at Bradwell and Sizewell, based on project progression, and Harwich International Port.

Green Energy Skills Centre - Colchester Campus

This development is for Further Education and Technical courses supporting training needs for zero emission vehicles, battery storage, low and zero carbon technologies, and green rapid mass transport systems, as cited by the Tendring Colchester Borders Garden Community Development Plan.

Sustainable Construction Training Centre - Colchester Campus

Scope to develop Further Education and Technical courses responding to high demand in skills shortage areas in modern methods of construction, retrofit, embodied carbon, renewable energies including solar panels and heat pumps and also the skills needed to

support the large regional infrastructure and transport projects including two potential nuclear developments.

PREVIOUS RELEVANT DECISIONS

April 2021 Freeport East Cabinet Paper

September 2021 Freeport East Update and Business Rates Retention Cabinet Paper

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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COUNCIL

29 MARCH 2022

JOINT REFERENCE FROM THE CABINET AND THE LICENSING & REGISTRATION COMMITTEE

A.3 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 Full Council agrees and adopt the Council's Statement of Gambling Policy.

EXECUTIVE SUMMARY
<ul style="list-style-type: none">• 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 scrutinised and agreed by the Licensing and Registration Committee at its meeting of the 17 January 2022 and Cabinet at its meeting of the 25 February 2022.• The policy must be adopted by Full Council on recommendation from the Cabinet and the Licensing and Registration Committee and published on the Council's web site and by way of a public notice in the newspaper.

RECOMMENDATION(S)
<p>It is recommended that:</p> <ul style="list-style-type: none">(a) The Council's Statement of Gambling Policy, as set out at Appendix A, is agreed and adopted;(b) The Council's revised Statement of Gambling Policy is published via the Council's web site and by way of a public notice in the local newspaper; and(c) The Council's revised Statement of Gambling Policy will come into force once approved and adopted by Full Council.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p><u>Our Prosperity</u></p> <ul style="list-style-type: none">• Build a thriving local tourism industry• Promote sustainable economic growth <p><u>Our People</u></p> <ul style="list-style-type: none">• Remain a low crime area and reduce the fear of crime <p><u>Our Place</u></p> <ul style="list-style-type: none">• 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.

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. Under the Gambling Act 2005.

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 Committee Members.

CURRENT POSITION

The final version of the reviewed Gambling Policy Statement 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 decision of the Licensing & Registration Committee was as follows:-

- 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 draft Statement of Gambling Policy was thereupon submitted to the meeting of the Cabinet held on 25 February 2022.

The decision of the Cabinet was as follows:-

“That Cabinet –

- a) *approves the final draft Statement of Gambling Policy, as set out in Appendix A to item A.6 of the Report of the Partnerships Portfolio Holder, 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 are delegated to the relevant Assistant Director, in consultation with the Chairman of the Licensing and Registration Committee and the Portfolio Holder for Partnerships, without the need for further public consultation or adoption.”*

This policy now needs to be adopted by the Full Council and published as a public document via the Council’s web site and by way of a public notice in the local newspaper.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the Licensing & Registration Committee – 17 January 2022

Published Minutes of the Cabinet – 25 February 2022

APPENDICES

APPENDIX A - **Copy of final revised draft of Statement of Gambling Policy**

A.3 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>																																										
<i>Gaming Machine</i>	<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 1449 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>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>																																									

	<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:- <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:- <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 Full details of Responsible Authorities for the Tendring District are contained in Appendix 'B' to this Policy.
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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COUNCIL

29 MARCH 2022

JOINT REPORT OF THE MONITORING OFFICER & THE CABINET

A.4 REVIEW OF THE CONSTITUTION

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, to approve the recommended changes to the Constitution put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

BACKGROUND

On 25 February 2021 Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder which requested it to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder 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.

The Portfolio Holder's report and accompanying appendices which were considered by Cabinet at its meeting on 25 February 2022 are attached as Appendices to this report.

The Cabinet's decision at its meeting held on 25 February 2022 was as follows:-

"RESOLVED -

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 – Overview & 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.”*

For Full Council’s information only the Cabinet further **RESOLVED –**

2. *“That Cabinet agrees 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.”*

RECOMMENDATION

That, subject to Members’ consideration of the recommendations of the Cabinet arising from its meeting on 25 February 2022, Council resolves 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 – Overview & 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) it is noted 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.

BACKGROUND PAPERS

Published Minutes of the formal meeting of the Cabinet held on 25 February 2022.

APPENDICES

A.4

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)
APPENDIX N		Report of the Corporate Finance and Governance Portfolio Holder which was submitted to the meeting of the Cabinet held on 25 February 2022

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A.4 APPENDIX A

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;

A.4 APPENDIX A

~~(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:

(Yellow)

A.4 APPENDIX A

- (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

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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

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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

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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

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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.

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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.

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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

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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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A.4 APPENDIX B

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.

A.4 APPENDIX C

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.

A.4 APPENDIX E

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)

(July 2020) Part 3.11

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)

(July 2020) Part 3.11

A.4 APPENDIX F

	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)

(July 2020) Part 3.11

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.

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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.~~

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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;

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(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]”;**

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- 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)

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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)	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

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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;	N/A
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

Annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party – November 2021 to January 2022.

Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 25 February 2022.

Submission of Cabinet's recommendations to Full Council for approval and adoption – 29 March 2022.

Implementation of approved changes to the Constitution – 27 April 2022.

ASSOCIATED RISKS AND MITIGATION

Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements.

EQUALITY IMPLICATIONS

The purpose of the Constitution is to:

- 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

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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

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):

(a) Council Procedure Rules – Section 1 (Full Council)(Part 4.1 to 4.28):

In addition to a number of amendments removing the provisions for remote meetings:-

Rule 1 (xiii) – Business for the Annual Meeting of the Council

Remove the requirement to consider the work programme for the overview and scrutiny committees, which are now agreed later in the municipal year.

Rule 16 – Rules of Debate (Amendments to 16.5 (Amendments to Motions); 16.8 (Right of Reply); and 16.10 (Closure Motions)

In order that the Secunder of a Motion is the penultimate Member to speak under the Rules of Debate.

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.

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.

*The proposed changes to the Council Procedure Rules (Section 1) are shown in **RED** in Appendix A.*

(b) Council Procedure Rules – Section 2 (Committees)(Part 4.29 to 4.34):

In addition to a number of amendments removing the provisions for remote meetings:-

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Rule 33.2 – Eligibility of the Planning Policy & Local Plan Committee

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.

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

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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**.*

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(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

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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:-

- 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.
- 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, –

- “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).

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- (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

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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).”

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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."*

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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

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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:-

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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:

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- (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:-

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- 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.

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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.

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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)

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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

29 MARCH 2022

JOINT REFERENCE FROM THE CABINET AND THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.5 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2022/23 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to review and approve the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury indicators).

EXECUTIVE SUMMARY

On 25 February 2022 (Minute 135 refers), the Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder in relation to the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury Indicators).

At that meeting it was: “**RESOLVED** that Cabinet agrees that -

- a) *the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) be submitted to Full Council for its approval, subject to consultation with the Resources and Services Overview and Scrutiny Committee; and*
- b) *the Portfolio Holder for Corporate Finance and Governance be authorised to explore potential borrowing options associated with the redevelopment of the Honeycroft site for inclusion within the Annual Capital and Treasury Strategy that would be presented to Full Council on 29 March 2022.”*

The Resources and Services Overview and Scrutiny Committee considered the Strategy at its meeting on 14 March 2021. The report was noted with no further comments raised.

A copy of the published Corporate Finance and Governance Portfolio Holder’s report to the Cabinet meeting held on 25 February 2022, together with the Annual Capital and Treasury Strategy 2022/23 are attached as appendices to this report.

Honeycroft Site, Lawford

In-line with recommendation b) highlighted above, work remains on-going in terms of exploring the funding / borrowing options associated with the redevelopment of the Honeycroft site. Therefore, it has not been possible to include further details at this stage. However, separate reports will be presented to Cabinet and Full Council as necessary to take the project forward during 2022/23.

RECOMMENDATIONS

That the Council approves the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators).

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Cabinet held on 25 February 2022.

APPENDICES

Published Report of the Corporate Finance and Governance Portfolio Holder for the meeting of the Cabinet held on 25 February 2022.

A.5 APPENDIX 1

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 preferential rates available from the PWLB.

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

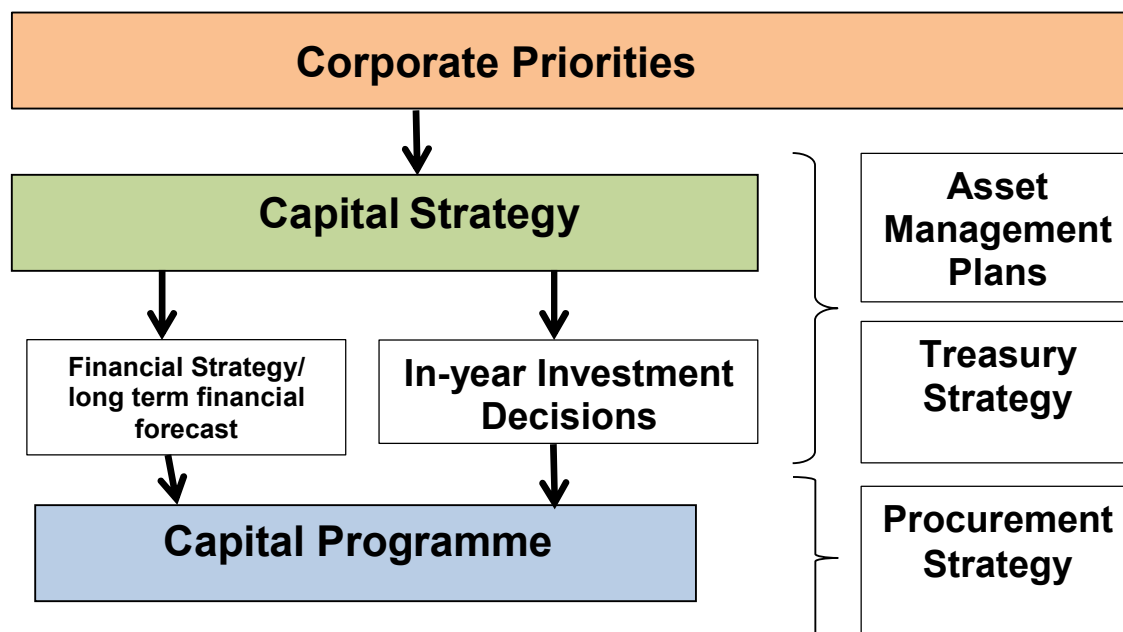
The Capital Strategy is subject to ongoing review and has a key role in supporting the delivery of the Council's Corporate Priorities

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.

COUNCIL

29 MARCH 2022

REPORT OF CHIEF EXECUTIVE

A.6 **CHANGES IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

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

Community Leadership Overview & Scrutiny Committee

Councillor Nash has been appointed to serve in place of Councillor Amos.

Standards Committee

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

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

29 MARCH 2022

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

A.6 CHANGES IN MEMBERSHIP OF COMMITTEES

Formal appointments dated 25 January 2022.