

Public Document Pack

TENDRING DISTRICT COUNCIL

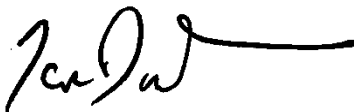
Committee Services
Room 33
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

1 July 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 12 July 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, 12 July 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 - 28)

The Council is asked to approve, as correct records, the minutes of:-

(a) the ordinary meeting of the Council held on 29 March 2022; and

(b) the annual meeting of the Council held on 26 April 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 Petitions to Council

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

9 Questions Pursuant to Council Procedure Rule 10.1 (Pages 29 - 30)

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.

One question has been received, on notice, from a member of the public on this occasion.

10 Report of the Leader of the Council - A.1 - Urgent Cabinet or Portfolio Holder Decisions (Pages 31 - 34)

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

11 Minutes of Committees (Pages 35 - 114)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 14 March 2022;
- (b) Community Leadership Overview & Scrutiny of Monday 21 March 2022;
- (c) Audit of Thursday 31 March 2022;
- (d) Standards of Wednesday 6 April 2022;
- (e) Audit of Monday 25 April 2022;
- (f) Community Leadership Overview & Scrutiny of Monday 9 May 2022;
- (g) Planning Policy & Local Plan Committee of Wednesday 11 May 2022;
- (h) Resources and Services Overview & Scrutiny Committee of Tuesday 24 May 2022;
and
- (i) Planning Policy & Local Plan Committee of Tuesday 31 May 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).

12 Motions to Council Pursuant to Council Procedure Rule 12

The Council will consider any Motions on Notice submitted pursuant to the provisions of Council Procedure Rule 12.

13 Recommendations from the Cabinet

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

14 Reports Submitted to the Council by an Overview and Scrutiny Committee - Reference from the Council's two Overview and Scrutiny Committees - A.2 - Overview and Scrutiny Committees: Proposed Work Programmes for 2022/2023 and a review of the work carried out during 2021/2022

The Council will consider the proposed work programmes for the two overview and scrutiny committees (i.e. the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee) for the 2022/2023 Municipal Year and will note the work carried out by those committees during 2021/2022.

This Report is “TO FOLLOW”.

15 Report of the Chief Executive - A.3 - Membership of Committees (Pages 115 - 116)

To inform Council of changes in the membership of Committees that have occurred since the Annual Meeting of the Council on 26 April 2022.

16 Questions Pursuant to Council Procedure Rule 11.2 (Pages 117 - 118)

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.

Three questions, on notice, have been submitted by Members on this occasion.

17 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).

18 Exclusion of Press and Public

Council is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 19 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.”

19 Exempt Minute of the Meeting of the Audit Committee held on Thursday 31 March 2022 (Pages 119 - 120)

The Council will receive the exempt minute of the meeting of the Audit Committee held on Thursday 31 March 2022.

NOTES:

- (1) The above exempt minute is presented to Council **for information only**. Members can ask questions on its contents to the Committee's Chairman but questions as to the accuracy of the minute **must** be asked at the meeting of the Committee when the exempt minute is approved as a correct record; and
- (2) If any recommendations to Council has been made by that Committee, these will be included within separate reports for Council to decide upon (i.e. by noting the minute any such recommendations are not approved at this stage of the proceedings).

Date of the Next Scheduled Meeting of the Council

Tuesday, 20 September 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, 29TH MARCH, 2022 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Amos, Barry, Bush, Calver, Casey, Chapman BEM, Chittock, Clifton, Davidson, Fairley, Griffiths, C Guglielmi, V Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Land, McWilliams, Miles, Morrison, Newton, Placey, Porter, Scott, 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), Michael Cook (Licensing Manager), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

135. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Allen, Baker, Cawthron, Codling, Coley, Davis, Fowler, Knowles, Nash and Skeels.

136. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the budget and council tax setting meeting of the Council held on Tuesday 15 February 2022 be approved as a correct record and be signed by the Chairman.

137. DECLARATIONS OF INTEREST

Councillor Fairley declared a Personal Interest in respect of Agenda Item 14 – Report A.2 – Freeport East Business Case insofar as a relative was a landowner of a field at Horsley Cross which was proposed, within the bid, to be the location for a Customs site. However, she had applied the test within the Members’ Code of Conduct and in view of the current high level stage of the proposals she did not consider herself to be prejudiced on this matter and so she would remain in the meeting.

138. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Bray) informed Members that he had spent time in recent weeks raising money and generally helping out with charitable efforts relating to the crisis in the Ukraine. He had been overjoyed to see the immense public response across the District and he thanked everyone involved.

139. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

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

140. STATEMENTS BY THE LEADER OF THE COUNCIL

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

141. STATEMENTS BY MEMBERS OF THE CABINET**Action on Climate Change Update**

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

“Herewith my report to all Fellow Councillors on the latest business with TDC’s Climate Change Agenda, where it may appear we have lots of words and not much action, but things are slowly moving forward.

With every Authority in the country seeking the services of a contractor to supply their requirements, this obviously puts contractors in the driving seat to some extent, but our officers are working to achieve the best packages for Tendring.

Totally within our direct control are our intentions to fit Solar Panels and necessary battery storage to our Council Houses and Public Buildings, and next Tuesday Lee Heley and Tim R. Clarke are meeting the consultant for a scheduled 1.5-hour session to discuss opportunities for solar energy derived from panels on the rooves of our council homes and the viability of more commercially focused schemes.

The Green Homes Grant scheme phase 2 delivered by the South Essex Energy Hub seeks to save energy wasted through current inefficient home insulation. Currently we have the highest referral rate of interested residents in Essex. 40 surveys have been completed, and in round 3 of the scheme, Tendring has £1.8m to be spent on properties in that round. The Council has also bid for £17,000 of that to support capacity, including promoting the take up of the scheme locally.

Energy audits of our buildings are complete, and the Council will be developing proposals for energy improvements to boilers, temperature controls, better monitoring of data and other ways to reduce heat loss. Lee gave me as an example, the fitting of swimming pool covers in our leisure centres.

One of the most obvious signs for us as Members, will be the first electric charging point to be installed in the Town Hall car park in April. Officers are also reviewing options for Electronic Vehicle (EV) charging in the car parks that are best placed to support the needs of electric vehicle owners, such as destination seaside / tourist car parks, or car parks located in areas where many households do not have off-road parking of their own. The feasibility of rapid chargers in our leisure centres is also being considered. All this requires a great deal of research to establish that power is available for such chargers, particularly the high power for rapid chargers, which could mean considerable infrastructure work for the power companies before we can make those decisions.

The Government have just announced a new local electric vehicle infrastructure (LEVI) pilot funding, and officers will examine the detail of this to see what benefit TDC may derive from this ‘pilot funding.’ We are currently bidding for a Government grant specifically to support EV infrastructure in the new Starlings car park / open space project in Dovercourt.

I have attended two national 'Zoom' conferences on Climate Change. One by the Public Sector Executive and the other by the Local Government Association, where a new name for me was the 'Global Covenant of Mayors' whose speaker joined us from Brussels. I expect to hear more from this organisation in future. At both I asked questions which were answered, concerning my objection to much of the talk being 'Urban' based and little thought of Rural areas, such as we have in Tendring. There was much talk of virtually ceasing personal motor vehicle use in favour of walking, cycling and bus travel, knowing that Transport is responsible for just under 30% of the country's noxious emissions, but when I said all this is OK for an urban population, but what about the rural population - are they expected to stay at home where no bus route exists? I was told they should car share! Not the most helpful answer, I must say.

I note we have a planning application from Bluefield Renewable Developments Ltd expressing the wish to provide an update about their planning application for a solar farm on land to the north of Hartley Wood, Row Heath, Clacton-on-Sea. I would suggest if others have received this invitation, that it be politely rejected, leaving the matter to Councillor John White and our planning department.

One local organisation, our own TDALC representing Tendring's 27 Towns and Parishes, debated at their last meeting the continuation of remote Zoom meetings or a return to Face-to-Face meetings. The Members present unanimously decided to continue with Zoom meetings, with the additional benefit that Members not using their cars to attend meetings, would have a small contribution to reducing our Carbon emissions.

The phrase "Great Oaks from little acorns grow", comes to mind!

Thank you colleagues."

142. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council (Councillor Stock OBE) as follows:-

"Chairman, Councillors and members of the public, whilst my annual address is always an opportunity to reflect on the last twelve months, never before have I had occasion to look back at two years in which we have collectively witnessed such a monumental impact on our personal and professional lives.

I would like to begin this statement by expressing my sincere condolences to anyone who has lost a family member, friend or colleague as a direct or indirect result of Coronavirus over the course of this pandemic, and my thoughts also go out to all those who have been negatively impacted by the events of the past two years, whether that be through missed or delayed medical treatments or diagnoses, the impact on mental health and relationships, or the financial impact. I also wish to pay tribute to the incredible efforts of our dedicated key workers, our partners and all those who worked through the pandemic delivering essential services during such an unprecedented and difficult time.

I would like to take this opportunity to announce that, with fellow Councillors, we are working towards the establishment of a fitting memorial for the District to remember all those impacted by the pandemic.

Chairman, before I continue with my speech, I would also like to take a moment to reflect on what is happening globally and how, as a Council, we stand united with the people of Ukraine. The invasion by Russia is rightly very worrying and concerning for us all, and as mentioned at Cabinet a few weeks ago, a letter of solidarity has been sent to the Prime Minister to show support for the UK Government's sanctions against Russia and to condemn Russia's actions. This letter was signed by the Leaders of all the Council's political groups on the Council. We know that many Tendring residents have offered to house refugees and of course this Council will be there to help and support in whatever way we can.

The situation in Ukraine is a clear and stark reminder that the security of the United Kingdom, and the ability of our country to be a force for good in the world, and to offer help to our fellow nations in their hour of need, is inextricably linked to the strength of our economy, both nationally and locally. After two years of lockdowns and the most restrictive measures ever imposed upon the freedoms of individuals and businesses in this country, the economy is recovering really well, with record job vacancies and unemployment back down to pre-crisis levels. The steps taken by the Government in Westminster in swiftly introducing the various business and job-protection schemes, most notably the furlough scheme, combined with the rapid response by local authorities, in particular Tendring District Council, in getting as much financial help to our small businesses as we possibly could, as fast as was humanly possible, have all contributed to our businesses and employers being in the best possible position given all that has been endured since the start of the pandemic.

Chairman, the steps the country is taking to sanction Russia are not cost-free for us at home; and the biggest impact will be the cost of living for working families. Just one example that has been felt immediately is the price of heating oil; since the invasion just over a month ago the cost of heating oil has more than doubled, and that has a direct impact for the great many residents in Tendring who are dependent on oil for their heating. We had already been bracing for the huge rises coming very soon to electricity and gas bills, as well as the general rate of inflation rising to levels not seen for many years; nobody will be unaffected by the cost-of-living increases that are already starting to bite hard and as an Authority we will continue to support our communities and do what we can to ameliorate the situation.

But despite the negative effects of rising inflation we are now seeing optimistic signs of the economy bouncing back, especially now that all COVID restrictions have ended, and I am immensely proud of how we, as a local authority and community leader, have continued to demonstrate our ability to review and adapt our services and plans in accordance with the often rapid changes in circumstances.

As Councillors, we have embraced new ways of working, with each other, with our residents and with partners. We now have our new Council meeting room, created as part of the Transformation Project, and it was a significant moment when we were able to meet again in person just before Christmas in this new, improved space.

Our workforce has shown fantastic resilience, flexibility and a determination to deliver, with teams being required to react swiftly to the closure, re-opening and further closures

and also to step up to take on entirely new responsibilities, providing essential services that have supported the safety, health and wellbeing of our residents. Not only have they been undertaking additional duties to support the response to the pandemic, but they have also been continuing with their day jobs across the organisation, ensuring that services continued to operate as near as possible to 'business as usual'.

As part of our ongoing COVID-19 response, Council staff rose to the call for mutual support from the NHS. Many staff were deployed to the vaccination centres and supported the emergency response. We also had staff working as Covid Ambassadors across the District, supporting businesses and residents.

Chairman, our staff are well-known for always striving to achieve the best and as an example of this, seven car parks within Tendring in 2021 have been awarded a top safety accreditation from the British Parking Association.

Each car park was assessed on the quality of lighting, cleanliness, security measures and quality management to give an overall review of safety; it is a tremendous achievement for the Council.

At last month's Council meeting, we agreed a "fiercely ambitious" budget to deliver key projects across the District, whilst keeping the council tax rise to less than inflation. We plan to deliver important projects already underway, including the workspace and covered market in Jaywick Sands, the redevelopment of the Starlings site in Harwich and the replacement of the cremators at Weeley Crematorium.

Over the past couple of years, the Revenues team have had to completely reverse their normal operations, which is to collect money, and instead they had to learn how to pay it out; a completely unprecedented situation! It has been a mammoth task with well over £50m being paid out. They have also had to be there to support our residents with other financial help along with making sure the usual housing benefits payments are made on time. The services within Finance and IT go quietly unnoticed most of the time, but they are always busy behind the scenes and provide an essential cog in the overall machinery of the Council.

Chairman, with the Queen's Platinum Jubilee rapidly approaching, we proposed an extension of the Members' Small Grants scheme, with each Councillor allocated £1,000 funding to spend in their local areas for events. I am already starting to hear about exciting plans for events in local communities and I am looking forward to the celebration events, and I would urge all Members to get their applications in as soon as possible.

The Council's approach to financial management, priority setting, stewardship and ambition continues to make a difference for residents and businesses, as well as looking after the District and the natural environment that we have across Tendring.

On the subject of the environment, I am pleased to let you know that as a Council we have cut our carbon emissions by over a quarter over the past three years. The Authority's emissions have dropped from 5,083 tonnes in 2018/19 to 3,881 tonnes in 2020/21. The Council has added insulation to offices and installed LED lighting, and we plan to accelerate as we embed climate change considerations into everything we do across the Council. That is a fantastic achievement, and we also urge partners, businesses and residents to join us on this journey.

Last year, the "Back to Business" approach galvanised the Council to counter the impacts of the pandemic. The Council has responded to the economic challenges faced

in the District. We contracted with specialist provider Colbea up to 2024 to run services to support businesses in Tendring. Between April 2021 and December 2021, Colbea advised over 90 local firms, focusing on smaller enterprises. Three quarters of those supported have been sole traders.

The Council has also provided active engagement for residents during the pandemic and attracted tourists to the coast. The Octopus Ahoy! Sculpture trail ran for 10 weeks in the summer of 2021, with an App to download and 30 octopus sculptures to locate; participants earned prizes for scanning each one. The sculptures displayed art by local artists, and also engaged local primary schools, with smaller octopus sculptures in a school trail.

The Clacton 150 Anniversary flights took place in August 2021 with as many as 75,000 onlookers spread along Clacton's coastline.

The Council installed a Clacton Heritage Trail from Jaywick Sands to Holland Haven through Clacton town centre, to tell the story of Clacton and celebrate Clacton's 150th Birthday. The trail covers more than five miles of coastline and engages with local schools, elder care settings and the wider community. It includes interactive technology to bring Clacton's history to life.

Restoration works on the Scheduled Monument and Grade II listed Treadwheel Crane, a unique building in Historic Harwich, are progressing well. Dating back to 1745, Harwich's Treadwheel Crane is considered to be the only surviving example of a man-operated double-wheeled crane in the country.

Works to refurbish the health suite and wet-side changing areas at Clacton Leisure Centre were completed in December. The £575,000 investment in the District leisure facilities saw the sauna and health suite – now re-named the Wellbeing Zone – completely revamped, along with new changing cubicles, showers and toilets at the Tendring District Council-run (TDC) facility.

I do also have to mention, that we hosted the first Santathon in December 2021, with more than 80 people dressed as Father Christmas taking part in a fun run to raise funds for Community Voluntary Services Tendring. This was certainly a sight to behold and a lot of fun. Some of you may have also spotted our Council Chairman among the participants. Well done everyone who took part.

One of our key projects this year is to transform the derelict Starlings site in Harwich into a new carpark which will double as an events space. Starlings will accommodate 51 car parking spaces, including four disabled parking bays and at least four electric charging points. The development will include new public toilets and landscaping. The site will be made level so that it can accommodate one-off events such as markets, travelling fairgrounds and open-air theatres, encouraging footfall and supporting the town's economic recovery. I look forward to seeing this exciting regeneration project finally come to fruition over the next few months.

In November, the Council secured almost £2m of funding from the South East Local Enterprise Partnership in support of our ambitious plans to further improve and deliver a 9,500 sq. ft. managed workspace facility, with a market and community garden. Build inflation pushed the project costs up when we went out to tender in November, but I was pleased to be with Essex County Council last month when they announced they will

meet the additional costs, so the contractors can get on site to start building. Whilst it is based in Jaywick Sands, this eye-catching new building will provide high quality, reasonably priced office space for small firms from across Tendring to set up shop, with advice on hand from experienced professionals. This is a great example of us helping businesses in Tendring to build back from the pandemic.

Section Two of the Local Plan has finally been agreed; we now have in place a robust planning policy that allow us to be masters of our own destiny in respect of what gets built where, at least as far as the current planning system allows. And our plans to increase our stock of council homes is progressing extremely well. The Council has retained ownership of its housing stock, which currently comprises well over 3,000 homes that our Housing and Surveying Teams manage and maintain. Work on these dwellings continues, including the upgrading of heating systems, reassessing fire precautions in the light of the Grenfell tragedy and of course thousands of daily repairs and routine maintenance jobs. Detailed assessments of prospective development sites and potential acquisitions are ongoing, and the Cabinet is committed to completing these assessments and achieving its target of 100 additional homes. Adding additional homes to our stock is a key part of the Housing Strategy 2020-25. The document, entitled "Delivering Homes to Meet the Needs of Local People", identifies four key strategic housing priorities as follows:

- Delivering homes to meet the needs of local people*
- Reducing and preventing homelessness and rough sleeping*
- Making the best use of and improving existing housing*
- Supporting people in their homes and communities.*

I firmly believe these provide us with a strong foundation to work from.

Chairman, we continue to champion work in the areas of Education, Health and Community Safety working with many partners to ensure the best outcomes for Tendring residents. We have developed a Tendring Education Strategic Board, which includes District Headteachers, ECC, Academy leads and the Department for Education. This Board is planning a celebration event on 16th June so that children across the District can showcase their achievements throughout the pandemic and I would like to mention one particular project that took place over the past year - Street Tag.

Street Tag sees a number of virtual 'check in' points put up around the area, with people earning points for tagging in using the app and travelling between them in a physically active way. Points can also be earned by completing online fitness classes.

In the last season, which ran from 1 July until 12 October 2021, school teams – which include pupils, parents and staff – did the equivalent of 25,850,637 steps and travelled 25,174 miles. That is the circumference of the planet in three months – what an achievement!

We also work closely with Health colleagues through the Alliance Board and this work has influenced the creation and development of the diagnostics hub at Clacton Hospital. The diagnostics hub has just this month been recognised as the best in the country – and Tendring District Council has been congratulated for our role in its delivery. Partnership work includes influencing, facilitating and in some cases delivering through partners across the District.

Finally, Chairman, I am extremely proud of the role this Council has played, working closely with the Port and with other public sector partners on the submission of the successful Freeport East bid to Government. The Freeport's tax sites are now designated in law and going forward, Freeport East will become a legal entity in its own right as a company limited by guarantee with directors being appointed from the key partners, including this Council and Essex County Council, with the detail on the Company functions and structure being discussed with my Working Party prior to Tending formally signing up. To be simplistic about it, Freeport for us means the development of Bathside Bay, not as the container terminal that was envisaged 20 years ago, but as a huge dockside industrial and commercial area supporting the employment of thousands of people. So, I attended the recent Planning Committee meeting where the Bathside Bay application was determined, and I have to say I was greatly impressed with the intelligent and sophisticated way in which the members of that Committee dissected and dealt with what must surely be the most complex and complicated planning application that has ever come before the Council. To massively simplify things, the existing planning consent was due to expire 29th March 2022, which is today, and if that were to happen then it will be highly improbable that any such consent would be granted in the future due to the way that such large applications now have to be determined. The application was unanimously approved by the committee but only after addressing the concerns raised by Natural England with a well informed and worded condition that will safeguard the current and future significance of the sensitive areas concerned. The Secretary of State formally notified us of his assent late yesterday evening following conversations with Council Officers and Civil Servants confirming he is satisfied that the proposed conditions and legal agreements will ensure compliance and the safeguarding of the natural environment and he will not intervene. But even then, there still had to be evidence that the works had been commenced, and I have today been advised by our planning officers that they are satisfied that such works have begun and therefore the permission is enacted. I can say quite clearly to Members that I have never been more optimistic that Bathside Bay will actually be developed and that it will fulfil its potential to become a nationally significant employment site.

Our planning and legal officers have really excelled with this application, and although there will doubtless be more work to do, our officers have really gone the extra mile and I am very proud of them all.

In closing Chairman, it is truly remarkable to me that we have been able to achieve so much together throughout the past twelve months and I know that next year will see even more tremendous achievements by this Council, for and on behalf of our residents and businesses.

I would like to thank all Members, the Council's Officers and especially our Chief Executive."

Councillors I J Henderson, M E Stephenson, Barry, Morrison and Scott addressed the Council during the debate on the Leader of the Council's Statement. Councillor Stock OBE responded to the points made by those Members.

143. PETITIONS TO COUNCIL

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

144. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No questions had been received, on notice, from members of the public on this occasion.

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

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council received a report from the Leader of the Council which notified Members of any 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 and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules.

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

It was reported that, 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, and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, had 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 had been 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 at that time 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

It was further reported that, on 25 February 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, had 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 had been 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 at that time 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

Council was informed that, on 11 March 2022, the Interim Corporate Director (Project Delivery) (Lee Heley), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, had 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 had been 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 at that time 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."

Council noted the foregoing.

146. MINUTES OF COMMITTEES

It was moved by Councillor Stock OBE and:-

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

- (a) 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.

In respect of item (h) above, Councillor Scott asked a question in relation to Minute 6 (Draft Plan for the Tendring Colchester Borders Garden Community Development Plan Document) and specifically the number and timing of the public consultation exhibition events on the DPD in Elmstead Market. The Chairman of the Tendring Colchester Border Garden Community Joint Committee (Councillor Turner) duly responded to that question.

147. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - RUSSIA'S INVASION OF UKRAINE

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

“Tending 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.”

Councillor Stock OBE formally moved the motion and Councillor Scott formally seconded the motion.

Councillor Stock OBE then gave his reasons why they felt that it would be appropriate for the motion to be dealt with at the meeting, namely that it was a matter of urgency given the ongoing situation in Ukraine, including the refugee crisis.

The Chairman (Councillor Bray) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

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

Councillors I J Henderson, Calver, G V Guglielmi, Clifton, Miles and Bray contributed to the debate on the motion.

On being put to the vote the motion was declared unanimously **CARRIED**.

148. REFERENCE FROM THE CABINET - A.2 - FREEPORT EAST BUSINESS CASE

Earlier on in the meeting and for the reason set out in Minute 137 above, Councillor Fairley had declared a Personal Interest in relation to this item.

Council had before it a reference report from the Cabinet (report A.2) which sought to update it on the submission of the Freeport East Full Business Case, including the Council's participation in the governance of Freeport East and the approach to business rate retention. The reference report also recommended 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, as previously adopted by Full Council.

A copy of the published Leader of the Council's report to the meeting of the Cabinet held on 25 March 2022 on Freeport East was attached as an appendix to the reference report. Members had been made aware, in advance of the Council meeting, of the text of the Cabinet's formal decision taken at that meeting which was:-

“That Cabinet -

- a) *formally supports the Freeport East Full Business Case to be submitted by East Suffolk District Council to the Government;*

- b) *agrees to the approach to local business rate retention, as set out in the Full Business Case and summarised in the Leader's report;*
- c) *agrees that the Leader of the Council and Officers can participate in the governance proposals set out in the Full Business Case on the principle that Tendring District Council becomes a member of the body set up to govern the Freeport;*
- d) *notes that any decision to formally become part of the governing body will be taken by the Leader of the Council, 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 the 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 be confirmed within the Council's Budget and Policy Framework, and included as part of the Corporate Plan 2020-2024, as previously adopted by Full Council."*

Councillors Bush and I J Henderson addressed the Council on the subject matter of this item.

It was moved by Councillor Stock OBE and:-

RESOLVED that Council –

- a) 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, as previously adopted by Full Council.

149. JOINT REFERENCE FROM THE CABINET AND THE LICENSING & REGISTRATION COMMITTEE - A.3 - ADOPTION OF STATEMENT OF LICENSING POLICY (GAMBLING ACT 2005)

Council considered a joint reference from the Cabinet and the Licensing & Registration Committee (report A.3) which requested it to agree and adopt the Council's Statement of Gambling Policy.

Members were informed that the Council was 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 requirements of the Gambling Act 2005. The policy had to 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.

It was reported that the current review and renewal of the policy had been subject to a public consultation and a final draft of the policy had been scrutinised and agreed by the Licensing and Registration Committee at its meeting held on 17 January 2022 and, subsequently, by the Cabinet at its meeting held on 25 February 2022.

It was moved by Councillor McWilliams, seconded by Councillor Winfield and:-

RESOLVED that -

- (a) the Council's Statement of Gambling Policy, as set out at Appendix A to item A.3 of the Joint Reference from the Cabinet and the Licensing & Registration Committee, be agreed and adopted;
- (b) the Council's revised Statement of Gambling Policy be published via the Council's website and by way of a public notice in the local newspaper; and
- (c) the Council's revised Statement of Gambling Policy comes immediately into force.

150. JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET - A.4 - ANNUAL REVIEW OF THE CONSTITUTION

Council considered a joint report of the Monitoring Officer and the Cabinet (report A.4) which, in accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, sought its approval of 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 that purpose.

It was reported that, at its meeting held on 25 February 2021, Cabinet had considered a report of the Corporate Finance and Governance Portfolio Holder which had 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.

Members were informed that the main proposals covered 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 that the Council's Constitution remained effective, efficient and consistent at an operational level.

In addition, there were 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 were attached as Appendices to the joint report.

The Cabinet's decision at its meeting held on 25 February 2022 had been 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."

Council was made aware that the Cabinet had 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."

It was moved by Councillor G V Guglielmi and seconded by Councillor Stock OBE 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 changed in size as follows:-

Audit = 5 Members (from 7 Members);
Human Resources & Council Tax = 7 Members (from 9 Members);
Licensing & Registration = 10 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) the Portfolio Holder's Working Party continue to work on the principle of, 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, with a further report to come back to Cabinet and Council during 2022 for a decision prior to any formal changes in practices being implemented.
- (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.

Councillor M E Stephenson then moved and Councillor I J Henderson seconded that paragraph (a) of Councillor Guglielmi's motion be amended to read as follows:-

- (a) subject to the exception in (a)(i) below, 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;

(a)(i) the strikethrough in Section 1 – Council Meetings, Rule 3(x) be removed (so as to reinstate the said text) so that the Full Council continues with the practice of receiving the minutes of Committees (with the exception of the Licensing and Registration Committee and the Planning Committee) so that Members may continue to ask questions and receive answers from the relevant Councillors on any of those items.

Councillors Calver, Scott, G V Guglielmi, I J Henderson, M E Stephenson and Stock OBE all addressed the Council during the debate on the amendment.

Councillor Stephenson's amendment on being put to the vote was declared **CARRIED**.

Councillor Guglielmi's motion, as amended, on being put to the vote as the substantive motion was declared **CARRIED**.

151. 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)

Council had before it a joint reference report from the Cabinet and the Resources and Services Overview & scrutiny Committee (report A.5) which sought to enable it to review and approve the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury indicators).

It was reported that, on 25 February 2022 (Minute 135 referred), the Cabinet had 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 had been: "**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."*

Council was informed that the Resources and Services Overview and Scrutiny Committee had considered the Strategy at its meeting on 14 March 2021. The report had been 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 were attached as appendices to the joint reference report.

Honeycroft Site, Lawford

In line with recommendation b) highlighted above, Members were made aware that work remained on-going in terms of exploring the funding / borrowing options associated with the redevelopment of the Honeycroft site. Therefore, it had not been possible to include further details at this stage. However, separate reports would be presented to Cabinet and Full Council as necessary to take the project forward during 2022/23.

Councillor I J Henderson asked a question of the Portfolio Holder to which Councillor G V Guglielmi duly responded.

It was moved by Councillor G V Guglielmi and:-

RESOLVED that the Council approves the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators).

152. REPORT OF THE CHIEF EXECUTIVE - A.6 - CHANGES IN MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following appointments had been duly made since the last ordinary meeting of the Council, namely:-

Community Leadership Overview & Scrutiny Committee

Councillor Nash had been appointed to serve in place of Councillor Amos.

Standards Committee

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

Council noted the foregoing.

153. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

No questions had been received, on notice, from Members of the Council on this occasion.

154. URGENT MATTERS FOR DEBATE

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

The Meeting was declared closed at 9.30 pm

Chairman

Public Document Pack

Annual Council

26 April 2022

**MINUTES OF THE ANNUAL MEETING OF THE COUNCIL,
HELD ON TUESDAY, 26TH APRIL, 2022 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Harris (Chairman), V Guglielmi (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bray (in the Chair for items 1 - 4 (part)), Bush, Calver, Casey, Cawthron, Chapman BEM, Chittock, Clifton, Codling, Coley, Davis, Fairley, Fowler, Griffiths, C Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Land, McWilliams, Miles, Nash, Newton, 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), Keith Simmons (Head of Democratic Services and Elections), William Lodge (Communications Manager), Matt Cattermole (Communications Assistant) and Taylor Turner (Apprentice (Democratic Services & Elections))

1. CHAIR

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Councillor Jeff Bray, until his successor became entitled to act as Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Davidson, Knowles, Morrison and Placey.

3. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman (Councillor Bray) stated that being Chairman of the Council was the highest honour that could be bestowed upon a Member by the Council and he expressed his gratitude that fellow Members had elected him to this prestigious position.

He stated that, in some respects, it had been a difficult year as the Covid-19 pandemic had had a negative impact on some of the things that he had wanted to do as Chairman. However, on a more positive note he felt that he had been able to cram in a lot of activities across the District and had managed to raise the profile of the District of Tendring. Particular highlights during his term in office had included:-

- Clacton-on-Sea 150th Year Commemorative Trail;
- Tendring Youth Awards;
- Chairman's Raffle;
- Pride of Tendring Awards; and
- 'Santathon'.

He wished luck and success to his successor and he expressed his gratitude to the following for all their support and advice during his term of office:-

- (i) Members of the Council;
- (ii) The Vice-Chairman of the Council;
- (iii) Officers especially the Members' Support Team,
- (iv) His Chaplain, The Reverend David Murray;
- (v) Local Charities; and
- (vi) His Consort, Dee.

Members showed their appreciation for the Chairman with a round of applause.

Councillors Allen, Chapman BEM, Scott, M E Stephenson and Stock OBE, on behalf of their respective political groups, paid tribute to Councillor Bray's achievements during his year in office.

4. ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE 2022/2023 MUNICIPAL YEAR

It was moved by Councillor Stock OBE and seconded by Councillor G V Guglielmi that Councillor Harris be elected Chairman of the Council for the 2022/2023 Municipal Year.

The vote on the election of the Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor Harris</u>	<u>Councillors Voting Against Councillor Harris</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Cawthron	Allen	Davidson
Amos		Calver	Knowles
Baker		Clifton	Morrison
Barry		Fowler	Placey
Bray		I J Henderson	
Bush		J Henderson	
Casey			
Chapman BEM			
Chittock			
Codling			
Coley			
Davis			
Fairley			
Griffiths			
G V Guglielmi			
V E Guglielmi			
Harris			
P B Honeywood			
S A Honeywood			
King			
Land			
McWilliams			
Miles			
Nash			
Newton			
Porter			
Scott			

Skeels
Steady
G L Stephenson
M E Stephenson
Stock OBE
Talbot
Turner
White
Wiggins
Winfield

It was therefore **RESOLVED** that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Harris be elected Chairman of the Council for the 2022/2023 municipal year.

Members gave a round of applause to Councillor Harris on his election.

Councillor Harris was thereupon invested with the badge and Chain of Office and made a Statutory Declaration of Acceptance of Office.

Councillor Harris thanked Members for the honour and privilege that they had bestowed upon him. It was a celebration of democracy that should never be taken for granted especially in the light of ongoing events elsewhere in the world. He thanked his mover and seconder and those Members that had voted for him. He then paid tribute to the work undertaken by the retiring Chairman (Councillor Bray) who had been Chairman at a most difficult time due to the Covid-19 pandemic and invested Councillor Bray with his Past Chairman's Badge.

Councillor Harris announced that the theme for his year in office would be to recognise and promote the vital work in the community of Volunteers with a special focus on road safety and water safety. He further announced that his chosen charities would be the RNLI and local charities supporting the veterans of the UK Armed Forces.

5. APPOINTMENT OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2022/2023 MUNICIPAL YEAR

It was moved by Councillor Coley and seconded by Councillor Chittock that Councillor V E Guglielmi be appointed Vice-Chairman of the Council for the 2022/2023 Municipal Year.

The vote on the appointment of the Vice-Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor V E Guglielmi</u>	<u>Councillors Voting against Councillor V E Guglielmi</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander Allen Amos Baker Barry Bray	Cawthron	None	Davidson Knowles Morrison Placey

Bush
Calver
Casey
Chapman BEM
Chittock
Clifton
Codling
Coley
Davis
Fairley
Fowler
Griffiths
G V Guglielmi
V E Guglielmi
Harris
I J Henderson
J Henderson
P B Honeywood
S A Honeywood
King
Land
McWilliams
Miles
Nash
Newton
Porter
Scott
Skeels
Steady
G L Stephenson
M E Stephenson
Stock OBE
Talbot
Turner
White
Wiggins
Winfield

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor V E Guglielmi be appointed Vice-Chairman of the Council for the 2022/2023 municipal year.

Members gave a round of applause to Councillor V E Guglielmi on her appointment.

Councillor V E Guglielmi was thereupon invested with the Vice-Chairman's Badge of Office and made a Statutory Declaration of Acceptance of Office.

Councillor V E Guglielmi expressed her thanks to Members for their support and pledged that she would do her utmost to support the Chairman during the coming year.

6. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman invited Members to join him in the Chairman's Parlour after the meeting for refreshments.

The Chairman also assured his colleagues on the Planning Committee that, going forward, his announcements at Council meetings would not be as long as the questions he asked at meetings of the Planning Committee.

7. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

8. SIZE OF MEMBERSHIP OF COMMITTEES ETC.

Council formally noted the size of membership of the Council's Committees and Sub-Committees as follows:-

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(5)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(7)
Licensing and Registration	(10)
Planning	(9)
Planning Policy & Local Plan	(9)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

9. ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO THE POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

Council formally noted the allocation to the political groups formed on Tendring District Council of seats on those bodies that were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

10. APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE 2022/2023 MUNICIPAL YEAR

The Council gave consideration to a Schedule of Members that it was proposed by political Group Leaders should serve on each of the Council's bodies, which were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

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

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Rules of Political Proportionality be, and are, hereby appointed for the 2022/2023 municipal year and that their membership be as set out hereunder:-

Audit Committee

Councillors Alexander, Coley, Miles, Nash and Steady.

Community Leadership Overview and Scrutiny Committee

Councillors Chittock, Clifton, Codling, Davidson, S Honeywood, King, Miles, Nash and Steady.

Human Resources and Council Tax Committee

Councillors Amos, Baker, Calver, Chapman, Chittock, Griffiths and Morrison.

Licensing and Registration Committee

Councillors Casey, Clifton, Coley, Davis, V Guglielmi, J Henderson, McWilliams, Skeels, Wiggins and Winfield.

Planning Committee

Councillors Alexander, Baker, Bray, Codling, Fowler, Harris, Placey, White and Wiggins.

Planning Policy and Local Plan Committee

Councillors Allen, Bush, Chapman, Fairley, Fowler, S Honeywood, Nash, Turner and Winfield.

Resources and Services Overview and Scrutiny Committee

Councillors Allen, Amos, Barry, Codling, Fairley, Griffiths, Morrison, Scott and M Stephenson.

Standards Committee

Councillors Casey, V Guglielmi, J Henderson, Land, Placey, Skeels and Steady.

Miscellaneous Licensing Sub-Committee

Councillors Casey, Coley, Davis, V Guglielmi and J Henderson.

11. **APPOINTMENT OF THE TOWN AND PARISH COUNCILS STANDARDS SUB-COMMITTEE FOR THE 2022/2023 MUNICIPAL YEAR**

Council formally noted that the appointment of Members to serve on the Town and Parish Councils Standards Sub-Committee would take place at the next meeting of the Standards Committee as the membership of that Sub-Committee was required to be chosen from the membership of the Standards Committee.

12. **ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES ETC. FOR THE 2022/2023 MUNICIPAL YEAR**

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

RESOLVED that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2022/2023 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Coley	Alexander
Community Leadership Overview & Scrutiny	Chittock	S Honeywood
Human Resources & Council Tax	Chapman	Griffiths
Licensing and Registration	Winfield	V Guglielmi
Planning	White	Bray
Planning Policy & Local Plan	Turner	Fairley
Standards	Land	Steady
Miscellaneous Licensing Sub-Committee	V Guglielmi	Coley

It was then moved by Councillor Allen, and seconded by Councillor Baker that Councillor M E Stephenson and Councillor Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2022/2023 Municipal Year.

On being put to the vote it was:-

RESOLVED that Councillors M E Stephenson and Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2022/2023 municipal year.

13. REPORT OF THE MONITORING OFFICER - A.1 - THE COUNCIL'S CONSTITUTION

Members were reminded that, in accordance with Council Procedure Rule 1.1 (xi), it was normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The Council's Constitution had been amended to reflect the changes approved by Council at its meeting held on 29 March 2022 and the full text of the Constitution could be found on the Council's website.

Members had been provided, upon their arrival at the meeting, with an updated booklet containing those sections of the Constitution most relevant to the work of Councillors.

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

RESOLVED that the Council's Constitution be reaffirmed.

14. REFERENCE FROM CABINET - A.2 - PROGRAMME OF MEETINGS: 2022/2023 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council and its Committees for the 2022/2023 municipal year.

The programme of meetings also included dates for All Member Briefings and Councillor Development sessions in order to assist Members in keeping their diaries up-to-date.

It was moved by Councillor G V Guglielmi and:

RESOLVED that -

- (a) the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.2 of the Reference from Cabinet, be approved; and
- (b) the proposed dates for All Member Briefings and Councillor Development sessions for Members be noted.

15. APPOINTMENT OF MEMBER AUTHORITY REPRESENTATIVES TO SERVE ON/AT THE GENERAL ASSEMBLY OF THE LOCAL GOVERNMENT ASSOCIATION

In accordance with Council Procedure Rule 1.1 (xiii) the Council was requested to 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. Council was aware that two of the Members appointed must be the Leader of the Council and the Deputy Leader of the Council.

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

RESOLVED that, in addition to the Leader of the Council and the Deputy Leader of the Council, Councillors Coley and I J Henderson be appointed to represent Tendring District Council as Member Authority Representatives at the General Assembly of the Local Government Association.

The Meeting was declared closed at 8.17 pm

Chairman

Questions pursuant to Council Procedure 10.1

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

Question

From Jan Vincent, to Councillor John White, Chairman of the Planning Committee:

“Will TDC issue a Section 215 TCPA for Bel-Air Chalet Estate, St. Osyth Beach, to make safe the extremely dangerous roads on the Holiday Park which are unusable by wheelchair users and hazardous to public and holiday makers?”

The roads are hidden dangers at night as all street lighting has been disconnected. The danger is compounded and hidden after rainfall as the potholes become filled with rainwater which is slow to drain as TDC Planning gave permission years ago for the natural drainage dykes to be filled in without any inspection of the works done. The potholes are so deep a person or child could drown if they fell into a pothole and were rendered unconscious in the fall. There are no pavements to avoid the danger. Two Ambulances got stuck in the roads last year causing danger to life by delay of medical treatment.”

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COUNCIL

12 JULY 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) Discretionary Council Tax Energy Rebate Scheme

On 10 May 2022, the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi) and the Housing Portfolio Holder (Councillor P B Honeywood), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information 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 Corporate Finance & Governance Portfolio Holder's and Housing Portfolio Holder's joint decision relating to the adoption of a discretionary Council Tax energy rebate scheme be taken under the Council's "Special Urgency" procedure.

The Corporate Finance & Governance Portfolio Holder's and Housing Portfolio Holder's joint decision was as follows:-

- (1) *"That a Discretionary Council Tax Energy Rebate Scheme be approved and adopted by Tendring District Council;*
- (2) *That the Assistant Director (Finance & IT), be authorised under existing officer delegations, as set out in the Scheme of Delegation to determine:*
 - a) *the final 'top up' payments to those households in properties with a council tax band of A to D and in receipt of LCTS to fully utilise the associated funding made available by the Government.*
 - b) *any other technical changes required to implement and administer the scheme to reflect any emerging Government guidance as necessary; and*
- (3) *That any payments made to households under both the mandatory and discretionary are disregarded for the purpose of calculating entitlement to LCTS as a potential interim approach until further Government guidance is made available."*

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

"There would be a potential delay in households being able to access a council tax energy rebate payment under the associated discretionary scheme along with opportunities that could be missed by overlapping the administration of the discretionary scheme with the roll-out of the mandatory scheme."

(2) North Essex Parking Partnership Joint Committee Agreement

On 30 June 2022, the Deputy Chief Executive & Monitoring Officer (Lisa Hastings), acting on behalf of the Leader of the Council (Councillor Stock OBE), in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & 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 Leader of the Council's decision relating to be taken under the Council's "Special Urgency" procedure and that it also be exempted from the call-in procedure.

The Leader of the Council's decision was as follows:-

“To renew the Council's participation in the North Essex Parking Partnership Joint Committee agreement.”

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

“Unfortunately, this Council (TDC) was placed in a situation whereby it had become necessary for the Leader to exercise his power to make an urgent decision for the benefit of the Council. The North Essex Parking Partnership Joint Committee agreement expired at midnight on 30 June 2022. The intention was to take this matter to Cabinet on 15th July 2022 for approval for the new agreement, which had only just been received, however TDC had been in various conversations with Essex County Council (ECC) on 30 June 2022 and had two choices, either to take an urgent decision and complete on that day or not to be part of the Joint Committee and Partnership and request to join after the event, which for the Council's reputation would not have been ideal. The Leader had sought assurances from ECC that this Council would not be in any adverse financial position under the terms of the new agreement and this had been provided.”

BACKGROUND PAPERS

(1) Discretionary Council Tax Energy Rebate Scheme

Letter dated 10 May 2022 from the Corporate Governance & Finance Portfolio Holder and the Housing Portfolio Holder, to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 11 May 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Portfolio Holders' decision to be taken under the “Special Urgency” Procedure.

(2) North Essex Parking Partnership Joint Committee Agreement

Email dated 30 June 2022 from the Deputy Chief Executive & Monitoring Officer to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 30 June 2022 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the Leader of the Council's decision to be taken under the “Special Urgency” Procedure and to be exempt from call-in.

APPENDICES

None.

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 14TH MARCH, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Gary Scott (Vice-Chairman, in the Chair), Terry Allen, Chris Amos, Mick Barry, Jim Codling, Chris Griffiths, Peter Harris and Pam Morrison
Also Present:	Councillors Garry Calver, Carlo Guglielmi (Portfolio Holder for Corporate Finance & Governance) and Alex Porter (Portfolio Holder for Leisure & Tourism) (except items 66 – 70)
In Attendance:	Ian Davidson (Chief Executive), Lee Heley (Interim Corporate Director (Projects Delivery)) (except items 66 - 70), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Michael Carran (Assistant Director (Economic Growth & Leisure)) (except items 66 - 70), William Lodge (Communications Manager) (except items 67 - 70), Kai Aberdeen (Theatre General Manager (Technical)), Keith Durran (Committee Services Officer), Matt Cattermole (Communications Assistant) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

59. CHAIR AND SILENT TRIBUTE

In the absence of the Chairman of the Committee (Councillor M E Stephenson), the Chair was occupied by the Vice-Chairman (Councillor Scott).

At the beginning of the meeting, Councillor Scott led the Committee in a minute's silence for the victims of the war in Ukraine.

60. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor M E Stephenson (with no appointed substitute).

61. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 7 February 2022 be approved as a correct record and signed by the Chairman.

62. DECLARATIONS OF INTEREST

Councillor Barry declared a Personal Interest in the Joint Use Facilities item (minute 65 below refers) and stated that he had been given a dispensation by the Monitoring Officer. In doing so, he read out the following statement:-

"In relation to Item A6 – the Joint Use Sports Facilities Update and in particular any discussion on the provision of funding to the Joint Use Facilities in Brightlingsea, I have a Personal Interest in accordance with Paragraph 5.1(d)(1) and (iii) of the Code of

Conduct as a result of being a Town Councillor for Brightlingsea. The Monitoring Officer has, following the principles set out in Section 33 of the Localism Act 2011, agreed to grant a dispensation to allow me to take part in the debate in my role as a District Councillor but only to take part in the debate, and that dispensation does not permit me to vote. This dispensation is granted for the sole purposes of representing the residents living in the Brightlingsea area as Ward Councillor relating to the value of the facility to the community whilst adhering to the duties and responsibilities of the Members' Code of Conduct".

Councillor Morrison also declared a Personal Interest in the Joint Use Facilities item insofar as she was both a local Ward Member and a Member of Harwich Town Council.

63. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

Pursuant to the provisions of Council Procedure Rule 38 Councillor Griffiths asked the following question:-

"I read with interest the recent decision regarding the Jaywick Market Site. I note from the officer report that the original cost for the project in October 2021 was £2.1 million, two months later in December 2021, the project cost had risen to £4.4 million. I am concerned that the projected costing mechanism used for the Jaywick Market site does not appear to accurately reflect the cost of the build.

Would it be possible to outline the reasons why the project cost appeared to significantly increase over a two month period, TDC is a key player in the Garden City Community, actively seeking to encourage the creation of a Freeport, and a key player in the development of the much smaller Honeycroft scheme.

All these projects have projected costings associated with the construction and development of the sites, and some elements of financial contributions from TDC to cover aspects of the work.

Given the project cost increases at the Jaywick site, what assurances do we have that mechanisms are in place to keep costs at the Freeport, Garden City Community and Honeycroft under control, as there must be concerns that if our current financial model is unable to accurately predict the cost of a small industrial unit in Jaywick over a relatively small period of time, then a similar situation could occur with Honeycroft, The Garden City Community and the Freeport, in which the projected costs are significantly lower than the actual cost of the build".

The Chairman, Councillor Scott, responded as follows:-

"On the Jaywick Sands Workspace and covered market, the costings were developed for the original Get Britain Building bid in the summer of 2020. There was a subsequent review of the building design which increased some costs (in the region of £300,000) in relation to increasing the number of business units. So the cost base work was originally from 2020, and developed by our cost consultants. We reported to Cabinet in October 2021 that cost inflation was a significant risk on the project. We would only see the actual costs once tenders were received in December 2021. The scale of cost increases was unexpected – although all three tenders came in within c.7% of each other, showing that it was the reasonable market price at the time for the scheme.

On capital projects, the Council is aware that until tenders come in, we only have cost estimates for a scheme, not firm prices. We do not expect to see the exceptional increase in costs for the Jaywick Workspace project again and we will continue to monitor the market and work closely with our cost advisors on future projects. In addition, on the Freeport and Garden Communities: these are under development primarily by the private sector, so the main delivery of the schemes is not a cost risk to TDC; and they operate at a different scale to the Jaywick Workspace project. Cost inflation is less of a pressure on large schemes than small – as the economies of scale are much greater and firms will prioritise working on them”.

64. SCRUTINY OF PROPOSED DECISIONS

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

The Committee was aware that matters could only be raised on those forthcoming decisions at Committee meetings where the Member had notified the Committee Services Manager in writing (or by personal email) of the question they wished to ask, no later than Midday, two working days before the day of the meeting.

There were no decisions that the Committee wished to enquire into on this occasion.

65. REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM - A.6 - JOINT USE SPORTS FACILITIES UPDATE

The Committee recalled that, at its meeting held on Monday 7 February 2022 (minute 57 referred), Councillor Chapman BEM had requested that this Committee include in the work programme a revisit of its enquiry into the Joint Use Agreements for sports centres in Harwich and Brightlingsea.

The Committee had before it a report of the Portfolio Holder for Leisure and Tourism, as well as an addendum to that report, in relation to this matter. Those reports outlined the following:-

- *“at their meeting on 17 December 2021, Cabinet determined the following in relation to the Joint Use Agreements for and Brightlingsea Sports Centre (BSC) and Harwich Sport Centre (HSC):*
 - (a) *“notes that the Joint Use Agreements between the Council and the Sigma Trust for the Harwich and Brightlingsea Sports Centres end on 31 December 2021;*
 - (b) *agrees to the provision of transitional support from existing resources, for up to three months, to extend the community use of the facilities where possible;*
 - (c) *invites representatives from the relevant Town Councils and the Sigma Trust to join an engagement group to meet during the transition period to work through the operations of providing community use from the facilities;”*

-
- *the Cabinet report highlighted that: 'the Joint Use Facilities also require investment and Cabinet would need to consider the viability of investing in facilities which the Council does not own.' The Council would have needed to invest significantly in the facilities to ensure they were fit for purpose and financially viable and stem the decline in attendances set out in the report.*
 - *Following on from the Cabinet report, Sigma Trust have agreed to keep their facilities open to the community and are working with Council Officers to accommodate as many of the existing customer base as possible. Updates are being provided to the respective Town Councils via the engagement group which has met regularly since the start of 2022.*
 - *The Council has arranged for a single point of contact at both sites, who are available to support existing users/hirers. These Officers have and will continue to support hirers who may have challenges in making the transition.*
 - *To date over 90% of current hirers (50 out of 55) at Brightlingsea and Harwich Sports Centres have either agreed and signed new booking forms with Sigma Trust, or agreed in principal to the new conditions and Sigma are awaiting forms to be returned.*
 - *There has been a trend at Brightlingsea towards block bookings and at Harwich towards more casual use. As the Sigma Trust cannot accommodate casual use, an action plan was devised of how casual use could be converted to hirers. The plan which is being worked through by the single point of contact at each site is set out in Section 2 of this report.*
 - *In addition to the work above, local people have been asked if they are interested in establishing a new club or clubs, which would allow racket sports to continue under the management of the Sigma Trust. The deadline for responses has now passed and a meeting with those interested is being arranged. Around 20 people have come forward in Harwich and there has been no response in Brightlingsea to date.*
 - *Given the level of interest shown by users in Harwich to form a club, the Council will work closely to support the formation of a racket sports club to block book from the Sigma Trust, and will look to invest to support its development.*
 - *The Leader agreed at Council in February 2022 to include the proposal for investment in sports facilities in Harwich and Brightlingsea to come forward through the Corporate Investment Plan. He reiterated this point at Cabinet February 2022, and agreed that officers will develop options to be considered by Cabinet in March.*
 - *Once the transition period is over on 31 March 2022 hirers of both facilities will become customers of the Sigma Trust, while arrangements for the Squash Courts at Harwich will be developed and reported to Cabinet in March. The booking process which has been set in place by the Trust, will also allow new customers use of the facilities."*

Members were reminded that the public had had an opportunity to express their views on the joint use facilities in Brightlingsea at a public meeting held on 9 March 2022 8.00 pm, at the Brightlingsea Community Centre, which had been hosted by the Town Council. Attendees had raised a number of points, including:-

- *a show of hands indicated that there were a number of gym users in attendance, who expressed concern at the closure of the gym at the end of the month. The data on usage shows under 800 attendances of the fitness suite in 2019.*
- *two difficulties with booking operations were highlighted. One was accommodating a small number of bookers later into the evening and at weekends. Options for extending opening hours to meet this demand were proposed and a discussion held with one group still seeking to find a booking. The other was the operation of the booking system. It was recognised that, during the transition as groups moved over from the District Council to the Sigma Trust, the booking processes would require refining. An on-line booking system from the Sigma Trust was scheduled to be available from 1 April 2022.*
- *Non-group activities. Without the formation of a club, attendees who used the facilities on a casual basis without booking through a club, for example, playing table tennis, would not be able to use the facilities after the transition period ended. The difficulty for those without access to a car to drive to the facilities in Clacton or Colchester was highlighted.*

Two additional decisions had been made by Cabinet regarding the development of the leisure and sport offer across the District and the involvement of the Resources and Services Overview and Scrutiny Committee to provide input into that work. This would provide the platform for how the Council developed its Sports and Activities offer around the District over the lifetime of the strategy.

The Committee was informed that the Sigma Trust had been invited to attend the meeting but that they had politely declined the offer.

After a detailed discussion, it was moved by Councillor Allen, seconded by Councillor Morrison and resolved that the Committee:-

RECOMMENDS to Cabinet that it consider allocating a level of working capital to enable community access to resume in the evenings and at weekends, with a view to councils liaising with Sport England and Active Essex to establish a body to link between the community and the Sigma Trust in the longer term. In establishing this body/company it would take into account and integrate the new Sports Facilities Strategy into their development.

66. REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE - A.3 - TENDRING DISTRICT COUNCIL COMMUNICATIONS

Further to the decision of Council taken at its meeting held on 13 July 2021 (Minute 53 referred), the Committee undertook an enquiry into Tendring District Council's Communications Strategy.

The Committee had before it a report that outlined how Tendring District Council's Communications Strategy had been adopted in April 2021 and which set out the strategic framework and principles which guided all of the Council's communications activity. It built upon the development of communications already carried out following on from the Local Government Association's Corporate Peer Challenge of Tendring District Council in 2018, which had included: *"improve how you tell the story of your ambition, plans, successes and positive impact"* as one of its key recommendations.

Members heard that, whilst the Communications Team was responsible for overseeing the function, and would carry out many of the operational communications the Committee might recognise, as an organisation there were many Officers who carried out communications – whether explicitly, such as posting to social media for their service, or implicitly in conversations they had with residents, businesses and visitors. Therefore a key role of the Communications Team – and the Strategy – was to advise, guide and promote best practice in communications across the Council.

Communications, like the rest of the Council, had a digital-first approach; but recognised that some residents were digitally excluded, and therefore would need to be reached using other methods.

Communications also included how the Council shared information internally, with staff and Members, as well as externally to the wider public; and consideration of cascading information to all stakeholders in a timely manner formed a key principle when planning communications.

The Committee was informed that the Strategy adopted in 2021 set out a narrative of Council communications; the journey it had undertaken and the vision for the next three years, with the Strategy aligned to the Corporate Plan. The Corporate Plan, as throughout the Council, guided the priorities and objectives of communications.

Within that context, the Strategy set out five broad areas for improvement over its lifespan namely:-

- Video content
- Project work
- Social media
- Email and SMS communications
- Internal communications

From those flowed some SMART targets, as listed below along with the progress achieved to date:-

- By 2024 increase the number of videos created each year by 50% from the 2020 figure (50 – target of 75).

"In 2021 the Council created a total of 49 videos, against the 2024 target of 75, ranging from internal staff vlogs to live streams of events. The Tendring District Council Communications Group has begun discussions on ways of increasing this number. NB this figure does not include live streams of committee meetings, which is around 65 additional videos."

- Ensure every initiative which goes through the Council's Projects Boards has a communications plan.

"At the time of writing there were currently four projects progressing through the Boards, three of which had a communications plan or strategy associated with it. The fourth is not yet at an appropriate stage for a plan or strategy."

- Grow the number of Facebook followers on the Council's corporate account to 8,000 by 2024 (baseline of 5,300).

"As of 4 January 2022 the Council had 7,659 followers, showing a steady trajectory towards the target."

- Increase the number of staff actively carrying out posts to the Council's corporate Facebook page by 300% by 2024 (baseline of 5).

"Through 2021 we had 16 staff regularly posting; largely bolstered by the Community Ambassadors. Staff changes also slightly inflate the statistic. This figure should stabilise as we progress towards the target date."

- Present a business case for email communications software, and reinforce the Council's Branding Guidelines with regards to email content, by 2024.

"Initial work considering Digital Transformation Phase 3 Projects has a proposal within it for an email communications software, so this is in train. A full, independent, business case may need to be worked up independently of this. Revised Branding Guidelines with renewed focus on email content issued to staff in January 2022."

- Work with the IT Team as part of its review of SMS (i.e. texting) communications software, scheduled for completion by January 2022.

"An initial review meeting was held in May 2021, but due to pressures of Covid-19 and cyber security work this project has been put on hold temporarily."

- Review and improve the Council's Communications Group and the Intranet, refreshing both by the end of 2021.

"Funding for new Intranet software is included within a finance report agreed by Cabinet in February 2022, so this is in train although delayed against the original target. The Council's Communications Group has been reconvened and refreshed in 2021, with a revised membership and new Terms of Reference agreed."

Key campaigns

It was reported that communications campaigns were largely aligned with key projects or events, with the Communications Team supporting work of other Council services. An example of a larger campaign of this nature was the roll-out of the new waste and recycling service in 2019, which saw a programme of activity planned for, and delivered, from May 2019 until February 2020. More recently Covid-19 had seen more general campaigns devised in alignment with the response to the Covid-19 pandemic.

The Council's Summer Communications campaign rolled out across summer 2021, and aligned to the organisation's summertime plan, had picked up key messaging around five themes:

1. Destination marketing and the Love Tending app
2. Water safety
3. Summer health
4. Covid-19
5. Anti-social behaviour (including littering, parking)

Members heard that this had been a multi-channel campaign, focused around a customer's journey; the concept being to reach people before they set off for the area, on their journey, and at various touchpoints once they arrived at destinations across the District. Different messaging and imagery had been used for local/nearby residents, compared to those who lived out of area. Out-of-area messaging had been targeted at locations such as East London, Hertfordshire and Luton, with those areas selected as known points of origin for summer tourists.

Outputs had included:

- Newspaper adverts in local press, titles in the target out-of-area locations, some magazines, and associated websites
- Digital adverts across a number of news websites, which appeared on smartphones within designated locations
- Billboards, bus shelters and supermarket digital screens
- Posters on bin lorries, banners along the seafront, stickers on seafront summertime bins and roundabout signs
- Adverts on two local radio stations and geo-located digital radio
- Social media – both paid-for with advertising partners, and the Council's own; including boosted posts.

The Communications Manager explained that, with any campaign, there was also a reactive element, picking up and addressing issues as they arose combined with looking out for short notice opportunities to support the overall campaign objectives. For example, reports from the Beach Patrol of a busy weekend and a specific incident around jumping from a groyne led to the issue of a press release to reinforce safety messages; or reinforcing the campaign messages within the responses to a media enquiries about parking issues in a seaside town and lifeboat call-outs.

The campaign had been successful: large numbers of impressions (i.e. times adverts were put in front of people) had raised the profile of the Essex Sunshine Coast out-of-area; relatively low numbers of issues had been raised during the summer (though it was noted there were a wide variety of factors at play there); and download figures of the LoveTending app had matched communications activity. As a result there was a real positivity around the summer season despite the challenges posed by an increase in domestic holidays.

Expenditure

It was reported that, due to the way the function was structured corporately, the Communications service had a minimal annual budget (excluding staffing costs) to

cover software licences and equipment such as cameras. The total budget for 2021 (including staffing) had been £75,320, though that did not include spending on the communications drone. This was because spending on communications activity was paid for by the specific service which required it, with the activity recommended by the Communications Team. As much work as possible was carried out in-house to minimise costs, with the Communications Team expanding its skill set and capabilities to accommodate this.

Covid-19 had been the exception to this principle, where some specific communications activity had been undertaken to support the Council's wider response. This had included the 'Shop Local Shop Safe' campaign (largely funded from the Reopening High Streets Safely Fund allocation), and the 2021 Summer Communications Campaign funded from general Covid-19 grant funding. The latter had had an allocated budget of £90,000 (which included contingency), of which £77,058 had been spent. Spending had largely been on advertising space – such as billboards and bus shelters ('out of home'), print and online media, banners etc.

There had also been some expenditure on additional capacity to support the Communications team, with freelance help procured for the Shop Local Shop Safe initiative, and some funding provided for casual staff to assist with social media activity at peak times.

Analysis of reach, understanding and action

Members were informed that evaluation was an important part of communications, and was something the team had worked to develop over the past few years. Each month a 'Communications Snapshot' was created to take a high-level look at the effectiveness of various pieces of the team's work. This monthly report was submitted to Management Team, and then shared with the Senior Managers' Forum. As part of the ongoing development of monitoring and evaluation, the Communications Team was looking to focus more on outcomes than outputs; there was always, however, a balance to be struck between using available resources to carry out the required work and evaluating that work.

Individual campaigns could have evaluations carried out on them depending on their scope and requirements; the Summer Communications Campaign had had a full evaluation report written which had been presented to the Corporate Enforcement Group.

The Committee heard how it could be difficult to evaluate the success of communications, particularly when it related to information sharing, when there was a wide range of factors affecting behaviour. It could have been easier to achieve if a behaviour change campaign had been carried out, but again individuals' actions might have been driven by a number of factors. However, the Council could learn valuable lessons from the evaluation that it did conduct, such as around effectiveness; frequency of social media posting; uptake of press releases; and which topics would organically reach large numbers of people, and which would require more input.

Service user communications

The Committee was made aware that all Council services would carry out direct communications with their 'customers' to varying degrees. More formal, regular communications, could take the form of annual billing or letters. Some services had a newsletter (mostly digital) for their direct service users; examples would be the Princes Theatre (weekly and monthly 'What's on' mail-outs, plus seasonal programmes), Economic Growth (a monthly business e-bulletin), council housing (quarterly) and Careline (twice-yearly newsletter to customers). It was noted that the frequency of those publications had been less rigid during the Covid-19 pandemic. Those were not overseen by the Communications Team, as per the function and structure outlined above, but the team was available for support and guidance, as required. Moving forward, if a new email communications software was introduced there could well be more centralisation of the templates and structure of this function.

It was also reported that, regarding internal 'service users', there had been regular staff newsletters in the past – the corporate newsletter had been paused during the pandemic as information was changing so rapidly, while a short-term 'by staff, for staff' newsletter was run by a team of staff volunteers. Members were also aware of the regular email bulletins to them by the Chief Executive. A piece of work was currently underway to review and refresh internal communications. Due to the Covid-19 pandemic and the Council's move to virtual committee meetings the Communications Team had begun live streaming public meetings so that people could watch remotely; this had continued even with the return to physical meetings to maintain transparency and engagement, and for those who felt uncomfortable returning to public venues. Figures had varied meeting to meeting but viewers had peaked at 32 at any one time for the Planning Committee, and the streams had average around 16 viewers across meetings.

The live stream response had been created in-house and at short notice due to the pressures of the pandemic and had been maintained pending development of a more formal solution – with the skills, technology and learning being used for other live streams outside of Committee meetings.

Marketing

The Communications Manager reported that marketing had largely been undertaken by those services with a more commercial focus or approach, such as the Princes Theatre, Leisure Centres, and the Tourism Team in order to promote events such as the Clacton Airshow. The Communications Team had provided some support and advice if required, and had stepped into this arena to some degree during the pandemic with less conventional marketing of things such as the LoveTendring app, and a place marketing element to the Summer Communications Campaign. Communications had also acted as a central, corporate point to ensure messaging was both joined up, and cross-pollination opportunities maximised.

It was further reported that a Digital Marketing Apprenticeship post had been created in the Communications Team at the beginning of 2022 which, it was hoped, would strengthen the wider team's knowledge and capabilities in this area. To support content creation the Communications Team also operated a small drone, enabling it to collect aerial images and video of various council projects and at events, and the use of this was under continual development to identify suitable opportunities for its deployment.

The Chairman thanked the Communications Manager for the report and congratulated him and the rest of the Communications Team on their successful work.

After some discussion the Committee **RESOLVED** to **NOTE** the contents of the report.

67. A.1 RECOMMENDATIONS MONITORING REPORT

The Committee considered the updated Recommendations Monitoring Report, outlining any recommendations the Committee had sent to Cabinet, together with Cabinet's response thereto.

Having determined that no further action was required on the recommendations submitted, the Committee **RESOLVED** to **NOTE** the contents of the report.

68. A.2 REVIEW OF THE WORK PROGRAMME

The Committee reviewed its work programme.

The Chairman asked the Committee to start to consider, in readiness for a future meeting, what it might wish to be added to the upcoming 2022/23 Work Programme.

The Committee **RESOLVED** to **NOTE** the contents of the work programme.

69. REPORT OF ASSISTANT DIRECTOR FINANCE & IT - A.4 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2022/23 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Committee reviewed the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury indicators).

Members were informed that, at its meeting held on 25 February 2022, Cabinet had considered the Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury Indicators) for consultation with the Resources and Services Overview and Scrutiny Committee.

At that meeting, Cabinet had resolved 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.”

A copy of the Portfolio Holder's report to Cabinet together with the Capital and Treasury Strategy 2022/23 was attached as appendices to the Report of the Assistant Director (Finance & IT).

Having considered the Strategy, it was:-

RESOLVED that the Committee notes the Annual Capital and Treasury Strategy for 2022/23 (including Prudential and Treasury Indicators) and confirms that it has no comments to make to Council on the Strategy.

70. REPORT OF ASSISTANT DIRECTOR FINANCE & IT - A.5 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER 2021/22 AND LONG TERM FINANCIAL FORECAST UPDATE.

The Committee had before it a report of the Assistant Director (Finance & IT) which provided it with an overview of the Council's financial position against the budget as at the end of December 2021 and which also presented it with an updated long term forecast.

Members were made aware that, at its meeting held on 25 February 2022, Cabinet had considered the same report and had resolved:-

“(1) That, in respect of the financial performance against the budget at the end of December 2021, Cabinet agrees:

(a) that the position as at December 2021 be noted; and

(b) that the proposed in-year adjustments to the budget, as set out in Appendix H to item A.9 of the Report of the Corporate Finance & Governance Portfolio Holder, be made.

(2) That, in respect of the Updated Long Term Forecast, Cabinet agrees that the latest position be noted and that the Resources and Services Overview and Scrutiny Committee be consulted on the most up-to-date position.”

Having duly considered the latest financial position and updated long term financial forecast it was:-

RESOLVED that the Committee notes the in-year financial position, as at the end of December 2021, together with the long term financial forecast update, and confirms that it has no comments or recommendations it wishes to make or put forward to the relevant Portfolio Holder or Cabinet on this occasion.

The meeting was declared closed at 10.30 pm

Chairman

Public Document Pack

Audit Committee

31 March 2022

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 31ST MARCH, 2022 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Miles, Placey and Steady
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Mark Westall (Head of Customer and Commercial Services), Keith Simmons (Head of Democratic Services and Elections), Carol Magnus (Organisational Development Manager), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)), Debianné Messenger (Work Based Learning Manager) and Matt Cattermole (Communications Assistant)

[Note: Anastasia Simpson (Assistant Director (Partnerships)) was able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Fairley and King. No substitutes were appointed. Councillor Miles also apologised for being unable to attend the meeting until 11.10am.

28. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 27 January 2022 were approved as a correct record and signed by the Chairman.

In response to questions, the Committee was advised that an update on the implementation of the new Planning Enforcement Policy (Minute 25 of 27 January 2022 refers) would be part of the follow up work by Internal Audit and reported to a future meeting of this Committee. The Committee was further advised that the Council had opted in to the appointed person arrangements made by the Public Sector Audit Appointments following the recommendation of this Committee (Minute 26 of 27 January 2022 refers) and the approval of Council.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

30. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

31. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - INTERNAL AUDIT PLAN 2022/2023

The Committee considered a report of the Internal Audit Manager (report A.1) which sought its approval of the 2022/23 Internal Audit Plan, as required by the Public Sector Internal Audit Standards.

It was reported that the 2022/23 Internal Audit Plan had been developed using a risk based approach, taking account of the Council's Corporate Objectives, Corporate Risks and Emerging Risks. The plan had been collated based on the information gained from liaising with Directors, Heads of Service and departments in order to target those areas that could benefit from an independent review of processes and procedures to determine potential efficiency gains and improved technology/software requirements or if the function had not been audited for a substantial period of time due to it being considered of lower risk historically. .

Members were made aware that the establishment for the Internal Audit function was currently four full time equivalents (fte) as a recent restructure now meant there were four full time members of staff with the part time Audit Technician post having being changed to a full time post. That post was due to be advertised and, all being well, subsequently appointed to. In response to questions, the Internal Audit Manager advised that he considered the total direct budget for the service for 2022/23 (in the sum of £178,930) was sufficient and that he hoped the vacancy referred to would be filled by the time of this Committee's meeting in June 2022.

The level and range of coverage was considered sufficient for the Internal Audit Manager to be able to provide an annual opinion on the Council's assurance framework.

The Committee was informed that the proposed plan had been developed based on the current resource available and the team's adaptation to innovative and leaner ways of working. The number of audit days proposed was 450 which remained unchanged from the 2021/22 audit plan. The plan had been created with the following in mind:-

- *a leaner more practical audit plan had been developed using a risk based approach, knowledge of all operational processes within service areas, historical assurance opinions and an understanding of where procedural changes had occurred around the Council;*
- *a hybrid structure of both internal and external resource would provide additional resilience within the team as well as provide different experience, skills transfer for more junior staff and access to a hub of audit resource; and*
- *the impact of COVID-19 would be assessed within all auditable areas identified to ensure a consistent level of assurance could be provided.*

A detailed breakdown of the proposed Audit Plan was included in Appendix A to the report. The plan provided an outline of the work currently proposed to be undertaken during the 2022/23 financial year. In order to continue to provide a proactive and flexible approach, the Plan was considered to be 'indicative' of the work currently intended. The Internal Audit Plan needed to be flexible in order to ensure that Internal Audit resources were directed where they were most needed, and to add as much value as possible to the organisation.

The plan would be kept under review during the year, in consultation with the Council's senior management, and taking account of changes to the Council's priorities, operations and risk. Changes to the plan would be brought to the attention of the Committee for its approval.

Therefore the Plan was considered to be, in effect, a rolling programme of work, rather than being specific to one year, whereby any audits scheduled, but incomplete at the end of any financial year would roll forward and be completed in the new financial year.

In reviewing the allocation in the Internal Audit Plan to “Partnerships –External Health Funding”, the Assistant Director (Partnerships) advised the Committee that a number of Health Memoranda of Understanding (MOUs) had been agreed with the NHS North East Essex Clinical Commissioning Group (CCG) to support activity to address the wider determinants of health. Cabinet have given approval to enter into these MOUs. In summary, the following had been agreed:

£900K Healthy Housing
£750K Physical Activity
£200K Health Inequalities
£43K Community Safety

At this stage the acceptance of the above funding has been agreed and details of individual projects to be charged against those sums was still to be agreed with the CCG.

The Internal Audit Manager also advised that, from the range of internal audit work being undertaken, and which the impact of COVID on that service would form part of that audit, an overall report would be possible capturing the impact of COVID on the Council. This was welcomed by Members of the Committee. They also welcomed the opportunity for Internal Audit to consider the impact of changes in legislation on the Council and the assessment of risks; and how to mitigate those risks.

RESOLVED that –

- (a) the Internal Audit Plan for 2022/23 be approved; and
- (b) the existing arrangements for updating the Plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with any significant amendments reported to the Committee as part of the periodic Internal Audit reporting arrangements.

32. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - RESPONSE TO REPORT OF OFSTED FOLLOWING INSPECTION OF CAREER TRACK

The Committee considered a report of the Assistant Director (Partnerships) (report A.2) which provided it with an overview of the organisation’s improvement actions following the Ofsted inspection of Career Track undertaken between 3rd and 5th November 2021.

It was reported that Career Track had had its first full inspection by Ofsted between 3rd and 5th November 2021. Career Track had previously had a successful Ofsted Monitoring Visit (a more ‘light touch’ inspection in June 2019). The full report following the November Inspection had been published on 24th December 2021 and was attached as Appendix A to the Officer report. The findings of the report had graded Career Track as ‘Requiring Improvement’. Although this was a disappointment there had been much that was positive in the report as it had contained a detailed section about things that were being done well and it had been especially complimentary about the dedication and care of the team for the apprentices and about the commitment the apprentices

showed towards their learning and development. The emphasis was now on what was needed to make things better.

Members themselves referenced the many positive comments about Career Track set out in the Ofsted report.

The Development Plan, as attached at Appendix B to the Officer report, took each of the five inspection categories in turn and stated what was being planned to address each area. The document identified the key milestones and progress by using a RAG (Red, Amber and Green) system.

The Council's initial response activity had focussed on setting the foundations and getting them in place. This had involved amending the hours and workload of the Training Assessment Team Leader so that she had been freed up to dedicate time to policy and curriculum development with the introduction of the 'OneFile' system. To enable this to happen, a temporary Training Assessment Officer role had been created for 30 hours per week until the end of July 2022. That person had taken over the apprenticeship caseload from the Training Assessment Team leader. More widely, the staffing resource of Career Track was considered sufficient for the numbers of apprentices progressing with the service. Obviously, it would continue to be monitored and, if numbers of apprentices grew, further staffing resource may be required to match the call on the service.

Members were informed that the services of a specialist company known as SDN (Strategic Development Network) were being utilised for their professional help and advice for policy and curriculum development. SDN were supporting Career Track with consultants/professionals who had also worked alongside and trained Ofsted Inspectors.

As previously stated, the service was rolling out the use of 'OneFile', a training software package for the administration and management of apprenticeships. OneFile was used by many apprenticeship providers as it supported the learners more effectively and enabled the provider to better monitor and ensure delivery of the curriculum. Effective roll out of that package would play a significant role in addressing the Ofsted concerns regarding curriculum, Safeguarding, Prevent and British Values training.

The Committee was reminded that the contract for this Council (under the name of Career Track) to provide apprenticeship training rested with the Education & Skills Funding Agency (ESFA). This Council had an allocated account manager within the ESFA and the Work Based Learning Manager had a monthly meeting with him to discuss actions and progress towards meeting the improvements required by Ofsted. The ESFA account manager had approved the development plan and the steps currently being taken.

The Committee was made aware that a Development Group had been formed to monitor the work and ensure that the targets set against the Ofsted report were being met. The Development Group was chaired by the Deputy Leader of the Council, Councillor Carlo Guglielmi (in his role as Portfolio Holder with the responsibility for Career Track), and the membership of the Group also included the Chief Executive; the Assistant Director (Partnerships); the Internal Audit Manager and the Executive Projects Manager (Governance). The Work Based Learning Manager and Organisational Development Manager reported to this Group. In the next few weeks this Development

Group would be converted into a new Governance Board for Career Track. The Committee was advised of proposals to supplement the membership of the proposed Governance Board with representation from local employers and from the apprentices themselves. Members commented on the need to ensure the capacity of Board Members, along with the balance of skills within its membership, was appropriate for the role of the Board.

The Assistant Director (Partnerships) also confirmed that oversight of the Career Track service was provided by the Council's Human Resources and Council Tax Committee and by Cabinet through reports to them.

RESOLVED that the Audit Committee -

(c) notes the report, the findings of the Ofsted inspection and the success of Career Track over the years; and

(d) endorses the Development Plan and the actions currently being taken.

33. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - TENDRING CARELINE: RECOVERY AFTER IMPROVEMENT NOTICE FROM TEC SERVICES ASSOCIATION

The Committee considered a report of the Assistant Director (Partnerships) (report A.3) which informed it of the recovery actions taken by Tendring Careline after an improvement notice had been issued by the Technology Enabled Care Services Association (TSA) following their last audit of the Careline service operated by this Council.

Members were informed that Tendring Careline had been established in 1987 and had been a member of the TSA since 2010. That organisation was the national body of carelines across the UK and, although membership was not mandatory, it offered the most widely recognised accreditation for the telecare industry. Membership of the TSA also included the equipment suppliers used by carelines. The Tendring Careline had been accredited by the TSA since 2012. In order to be accredited, each Careline service must pass an annual audit by the TSA in which 13 modules were assessed. In September 2021 this Council's Careline service had been found to be compliant in 12 of those modules but had been issued with an improvement notice for the thirteenth, namely, Technology Enabled Care Monitoring. The full audit report was attached at Appendix A to the Officer report.

It was reported that the Technology Enabled Care Monitoring module within the TSA audit was an assessment of how quickly incoming calls to Tendring Careline were handled by the Control Centre Operators. In order to be passed as compliant the Careline staff should answer 97.5% of all calls within 60 seconds and, in any event, 99% of all calls within 180 seconds. The September 2021 audit of Tendring Careline had found that: *'KPI's for calls answered within 60 seconds have only been achieved for 2 months out of the last 18 months. KPI's for calls answered within 180 seconds have been missed 6 times in the last 18 months'*.

Officers felt that there were mitigating circumstances for those statistics. Firstly, the Covid-19 pandemic had had a great impact on staff resources. Between April 2020 and June 2020 numerous Control Centre Operators had caught the virus and had had to

self-isolate and numerous others had been considered to be 'vulnerable' and had also had to stay at home. At this point in time Tendring Careline had been operating on an old analogue call handling platform which meant that all Operators had to be physically present in the Control Centre which was a relatively small space with no windows and no fresh air circulating so it would have been likely that the virus could be transmitted. The decision had subsequently been taken to close the Control Centre and deploy a new digital call handling platform. This had enabled the Careline Operators to work from home but it had taken many months of online training for the Operators to get back up to speed on the new platform and, in addition, there had also been various problems with staff using the wifi available in their own homes whereby the wifi would 'drop-out' and calls could not therefore be answered.

The Committee was made aware that throughout the months April 2020 until April 2021 the service had continued to see staff resources stretched and that there had been times when it had not been possible to have enough trained staff online in order to meet the KPI's. It was also noted that call volumes had also increased during this time as the service had seen more frequent, and longer, calls from its vulnerable service users. A recruitment campaign had been initiated in September 2020 with new members of staff joining at the beginning of 2021 but the speed of training that was possible online had meant that the Council was not able to put those new recruits onto the rota until May 2021.

Members were advised that the second mitigating factor was the contract with Provide CIC and the addition of service users from the Essex County Council (ECC) telecare contract. Tendring Careline had been contracted to supply out-of-hours call monitoring services to Provide CIC since 2014 (between 6pm and 8am Monday to Friday, and all weekend and bank holidays). Early in 2021 Provide CIC, with Tendring Careline as a sub-contractor, had been successful in bidding for the newly let ECC Telecare contract which had started in July 2021. This contract had added 2,500 new service users that had needed to be monitored from day one and the addition of more service users on a daily basis.

The size of the contract and the speed that new service users were being added had contributed to Tendring Careline not being able once more to meet the TSA call handling KPI's. A restructure of the Control Centre Operators had been implemented in October 2021 and further recruitment had been undertaken but it had become clear that Tendring Careline would not be able to manage the Provide CIC contract and maintain the TSA call handling KPIs.

Recovery Plan

The Committee was informed that there were three actions that had been taken to ensure that Tendring Careline was able to meet the call monitoring KPIs and thus retain its TSA accreditation, namely:-

- 1. Provide CIC had given notice that the contract with Tendring Careline would end on 19th April 2022. This would immediately relieve the pressure on the Control Centre Operators as they would be only be monitoring circa 5,000 service users instead of the current 13,300. There was no intention to reduce staffing as it was imperative that Tendring Careline could meet its obligations to its service users.*
- 2. Call volumes would be monitored on a monthly basis to ensure the service had enough Control Centre Operators to meet the KPIs.*

3. An additional bank of Casual Control Centre Operators was being recruited to ensure there was sufficient cover for sickness and holidays.

It was reported that this recovery plan had been submitted to the TSA and accepted on the proviso that call handling KPIs were met after April 2022. The TSA had confirmed the Council's accreditation for the period until 24 June 2022. At that point Tendring Careline would be audited again as part of the annual cycle but the audit was likely to focus on the call monitoring area of compliance.

In addition, an internal 'Improvement Monitoring Group' was to be created to confirm that any action plans were put in place and checked regularly to ensure compliance. This group would include the Portfolio Holder and senior officers from the Audit, Finance and Partnerships teams.

The Head of Customer and Commercial Services responded to a question to say that he considered the Business Continuity Plan for the service was now more robust using the learning from the last two years.

During the discussion of this item, the Head of Customer and Commercial Services advised of the position whereby BT/Openreach had intended to end the analogue telephone system by 2025 as it rolled out digital telephone lines across the country. It had recently announced a pause in that plan. The issue with the plan for telecare providers such as Careline was that electricity outages generally did not affect the analogue telephone lines whereas they were catastrophic for digital telephone lines. As such, robust arrangements need to be in place to support those who were telecare customers to protect them when using digital telephone lines in the event of an electricity outage. For a while now, Tendring Careline had been deploying alarms for its new customers which included a small battery backup and a SIM card so that, in the event of an electricity outage, the customer could still activate the alarm and contact Careline using those back-up capabilities.

The dedication of the team delivering services through the Careline service was commented upon by members of the Committee.

RESOLVED that the Committee notes the contents of the report and requests Officers to create a recovery action plan.

34. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.4 - AUDIT COMMITTEE WORK PROGRAMME FOR 2022/2023

The Committee considered its proposed work programme covering the period April 2022 to March 2023 which had been prepared and continued to reflect the significant element of regulatory / statutory activity required, along with other associated work, which fell within the responsibilities of the Audit Committee.

The need for the work programme of the Committee to include updates on the Career Track and Careline matters reported to this meeting (Minutes 32 and 33 refer respectively) was referred to in the consideration of this matter.

The Chairman also drew attention to the delays being experienced in receiving External Audit reports. Written explanations from the External Audits in relation to those delays

should be submitted to the Committee's meetings where they occur so that they can form part of the public record.

RESOLVED that the proposed Work Programme for 2022/23 be approved, updated for the matters considered earlier at this meeting and referencing the need for External Audit statements where delays in reporting from them occurred and that the Programme be implemented accordingly.

35. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.5 - CORPORATE RISK UPDATE

The Committee considered the updated Corporate Risk Register, which had last been submitted to it in September 2021.

Members noted that the Corporate Risk Management Framework had remained unchanged at this time though a review of the framework had unfortunately been delayed and would now be reported to the Audit Committee in June 2022.

The table set out below detailed all amendments to the Risk Register since it had last been considered by the Committee in September 2021:-

Risk Register Item	Amendments / Comments
New Risks Identified	None
Risks Removed	None
Risk Scores Amended	Item 6b - Disconnection from PSN Network – inherent risk score reduced from 20 to 12, due to end of lifecycle.
Risk under review	None
Risks Amended	<p>Item 1a - Failure to effectively manage assets – update on main text.</p> <p>Item 1b - Catastrophic IT network failure – change in service delivery target, increased from 85% to 90%.</p> <p>Item 1c - Ineffective communication / management of information – update on main wording relating to cybersecurity.</p> <p>Item 1d - Ineffective Cyber Security Physical and Application (software) Based Protection Management – updates to main wording relating to cyber security initiatives.</p> <p>Item 2d - Ineffective delivery of Transforming Tending project – update on main wording relating to</p>

	<p>main office site work being completed.</p> <p>Item 5a - Financial Strategy – Current action wording updated</p> <p>Item 6b - Disconnection from PSN Network - change in wording to reflect the inherent risk being reduced. End of lifecycle.</p> <p>Item 9a - Ineffective Emergency Planning – change to main wording and change of responsible officer.</p> <p>Item 9b - Ineffective Business Continuity Planning – update to main text.</p>
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At its meeting held in September 2021, two further potential emerging risks had been highlighted to the Committee, namely:

- *Shortage of Global Supplies*
- *Failure to Deliver Key Contracts*

In terms of the second point, a report had been considered earlier in the meeting in respect of the Careline Service.

In terms of the first point, it was reported that this had continued to present a significant risk, especially in respect of computer processing chips and the impact from on-going global events. However, this continued to be managed via earlier procurement planning and remaining alert to market conditions.

The Committee was advised that the Fraud and Risk Team continued to oversee the Council’s Risk Management supported by the Council’s Internal Audit Team. The table below set out the work currently being undertaken:-

Agreed Action	Current Position
Management Team to promote the importance of operational risk management within the organisation and ensure that Senior Managers implement a process for identifying and mitigating risks in coordination with the Corporate Fraud and Risk Manager.	The Fraud and Risk Manager continues to work with Management Team to effectively promote the importance of operational risk management within the Council, and continues to attend management team meetings (via Teams) on a quarterly basis and provides monthly updates for any urgent matters identified.
One to one meetings will continue to take place between Senior Managers and the Corporate Fraud and Risk Manager to identify and record key operational risks within their service areas. Support to be provided by Internal Audit if required	These one to one meetings have commenced, but have not been fully completed due to time constraints and officers prior commitments. This matter will be reported to Audit Committee at a later meeting.

Follow Up Item

Agreed Action	Current Position
Arrange Risk Management training for all departments across the council	Risk Management training was carried out by the Fraud and Risk Manager in October 2021. This training was not suitable to be rolled out to all departments and alternative training is currently being negotiated with a Risk Management provider that will meet the council's requirements, with a view to rolling this out in 2022.
Review carried out relating to the effectiveness of the current control measures in place to identify inherent risk.	This review is still ongoing and a report will be brought before the Audit Committee at a later meeting.

During the discussion of this item, specific comments were made by the Committee members to the need for Councillors to adopt practices to support the measures to protect the Council from a catastrophic IT network failure. These included using the Council's own email address provided to them and the IT kit for connecting to the Council's network.

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

36. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

[Note: Following the passing of this resolution, and before proceeding, the Chairman of the Committee confirmed with officers that the live broadcast and recording of the meeting had ended.]

37. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - B.1 - RISK BASED VERIFICATION POLICY

RESOLVED that, following the annual review for 2022, the Risk Based Verification Policy, as set out in Appendix A to item B.1 of the Report of the Assistant Director (Finance & IT), be approved.

The meeting was declared closed at 12.04 pm

Chairman

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 31ST MARCH, 2022 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Miles, Placey and Steady
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Mark Westall (Head of Customer and Commercial Services), Keith Simmons (Head of Democratic Services and Elections), Carol Magnus (Organisational Development Manager), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)), Debiannne Messenger (Work Based Learning Manager) and Matt Cattermole (Communications Assistant)

[Note: Anastasia Simpson (Assistant Director (Partnerships) was able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Fairley and King. No substitutes were appointed. Councillor Miles also apologised for being unable to attend the meeting until 11.10am.

28. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 27 January 2022 were approved as a correct record and signed by the Chairman.

In response to questions, the Committee was advised that an update on the implementation of the new Planning Enforcement Policy (Minute 25 of 27 January 2022 refers) would be part of the follow up work by Internal Audit and reported to a future meeting of this Committee. The Committee was further advised that the Council had opted in to the appointed person arrangements made by the Public Sector Audit Appointments following the recommendation of this Committee (Minute 26 of 27 January 2022 refers) and the approval of Council.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

30. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

31. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - INTERNAL AUDIT PLAN 2022/2023

The Committee considered a report of the Internal Audit Manager (report A.1) which sought its approval of the 2022/23 Internal Audit Plan, as required by the Public Sector Internal Audit Standards.

It was reported that the 2022/23 Internal Audit Plan had been developed using a risk based approach, taking account of the Council's Corporate Objectives, Corporate Risks and Emerging Risks. The plan had been collated based on the information gained from liaising with Directors, Heads of Service and departments in order to target those areas that could benefit from an independent review of processes and procedures to determine potential efficiency gains and improved technology/software requirements or if the function had not been audited for a substantial period of time due to it being considered of lower risk historically. .

Members were made aware that the establishment for the Internal Audit function was currently four full time equivalents (fte) as a recent restructure now meant there were four full time members of staff with the part time Audit Technician post having being changed to a full time post. That post was due to be advertised and, all being well, subsequently appointed to. In response to questions, the Internal Audit Manager advised that he considered the total direct budget for the service for 2022/23 (in the sum of £178,930) was sufficient and that he hoped the vacancy referred to would be filled by the time of this Committee's meeting in June 2022.

The level and range of coverage was considered sufficient for the Internal Audit Manager to be able to provide an annual opinion on the Council's assurance framework.

The Committee was informed that the proposed plan had been developed based on the current resource available and the team's adaptation to innovative and leaner ways of working. The number of audit days proposed was 450 which remained unchanged from the 2021/22 audit plan. The plan had been created with the following in mind:-

- *a leaner more practical audit plan had been developed using a risk based approach, knowledge of all operational processes within service areas, historical assurance opinions and an understanding of where procedural changes had occurred around the Council;*
- *a hybrid structure of both internal and external resource would provide additional resilience within the team as well as provide different experience, skills transfer for more junior staff and access to a hub of audit resource; and*
- *the impact of COVID-19 would be assessed within all auditable areas identified to ensure a consistent level of assurance could be provided.*

A detailed breakdown of the proposed Audit Plan was included in Appendix A to the report. The plan provided an outline of the work currently proposed to be undertaken during the 2022/23 financial year. In order to continue to provide a proactive and flexible approach, the Plan was considered to be 'indicative' of the work currently intended. The Internal Audit Plan needed to be flexible in order to ensure that Internal Audit resources were directed where they were most needed, and to add as much value as possible to the organisation.

The plan would be kept under review during the year, in consultation with the Council's senior management, and taking account of changes to the Council's priorities, operations and risk. Changes to the plan would be brought to the attention of the Committee for its approval.

Therefore the Plan was considered to be, in effect, a rolling programme of work, rather than being specific to one year, whereby any audits scheduled, but incomplete at the end of any financial year would roll forward and be completed in the new financial year.

In reviewing the allocation in the Internal Audit Plan to “Partnerships –External Health Funding”, the Assistant Director (Partnerships) advised the Committee that a number of Health Memoranda of Understanding (MOUs) had been agreed with the NHS North East Essex Clinical Commissioning Group (CCG) to support activity to address the wider determinants of health. Cabinet have given approval to enter into these MOUs. In summary, the following had been agreed:

£900K Healthy Housing
£750K Physical Activity
£200K Health Inequalities
£43K Community Safety

At this stage the acceptance of the above funding has been agreed and details of individual projects to be charged against those sums was still to be agreed with the CCG.

The Internal Audit Manager also advised that, from the range of internal audit work being undertaken, and which the impact of COVID on that service would form part of that audit, an overall report would be possible capturing the impact of COVID on the Council. This was welcomed by Members of the Committee. They also welcomed the opportunity for Internal Audit to consider the impact of changes in legislation on the Council and the assessment of risks; and how to mitigate those risks.

RESOLVED that –

- (a) the Internal Audit Plan for 2022/23 be approved; and
- (b) the existing arrangements for updating the Plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with any significant amendments reported to the Committee as part of the periodic Internal Audit reporting arrangements.

32. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - RESPONSE TO REPORT OF OFSTED FOLLOWING INSPECTION OF CAREER TRACK

The Committee considered a report of the Assistant Director (Partnerships) (report A.2) which provided it with an overview of the organisation’s improvement actions following the Ofsted inspection of Career Track undertaken between 3rd and 5th November 2021.

It was reported that Career Track had had its first full inspection by Ofsted between 3rd and 5th November 2021. Career Track had previously had a successful Ofsted Monitoring Visit (a more ‘light touch’ inspection in June 2019). The full report following the November Inspection had been published on 24th December 2021 and was attached as Appendix A to the Officer report. The findings of the report had graded Career Track as ‘Requiring Improvement’. Although this was a disappointment there had been much that was positive in the report as it had contained a detailed section about things that were being done well and it had been especially complimentary about the dedication and care of the team for the apprentices and about the commitment the apprentices

showed towards their learning and development. The emphasis was now on what was needed to make things better.

Members themselves referenced the many positive comments about Career Track set out in the Ofsted report.

The Development Plan, as attached at Appendix B to the Officer report, took each of the five inspection categories in turn and stated what was being planned to address each area. The document identified the key milestones and progress by using a RAG (Red, Amber and Green) system.

The Council's initial response activity had focussed on setting the foundations and getting them in place. This had involved amending the hours and workload of the Training Assessment Team Leader so that she had been freed up to dedicate time to policy and curriculum development with the introduction of the 'OneFile' system. To enable this to happen, a temporary Training Assessment Officer role had been created for 30 hours per week until the end of July 2022. That person had taken over the apprenticeship caseload from the Training Assessment Team leader. More widely, the staffing resource of Career Track was considered sufficient for the numbers of apprentices progressing with the service. Obviously, it would continue to be monitored and, if numbers of apprentices grew, further staffing resource may be required to match the call on the service.

Members were informed that the services of a specialist company known as SDN (Strategic Development Network) were being utilised for their professional help and advice for policy and curriculum development. SDN were supporting Career Track with consultants/professionals who had also worked alongside and trained Ofsted Inspectors.

As previously stated, the service was rolling out the use of 'OneFile', a training software package for the administration and management of apprenticeships. OneFile was used by many apprenticeship providers as it supported the learners more effectively and enabled the provider to better monitor and ensure delivery of the curriculum. Effective roll out of that package would play a significant role in addressing the Ofsted concerns regarding curriculum, Safeguarding, Prevent and British Values training.

The Committee was reminded that the contract for this Council (under the name of Career Track) to provide apprenticeship training rested with the Education & Skills Funding Agency (ESFA). This Council had an allocated account manager within the ESFA and the Work Based Learning Manager had a monthly meeting with him to discuss actions and progress towards meeting the improvements required by Ofsted. The ESFA account manager had approved the development plan and the steps currently being taken.

The Committee was made aware that a Development Group had been formed to monitor the work and ensure that the targets set against the Ofsted report were being met. The Development Group was chaired by the Deputy Leader of the Council, Councillor Carlo Guglielmi (in his role as Portfolio Holder with the responsibility for Career Track), and the membership of the Group also included the Chief Executive; the Assistant Director (Partnerships); the Internal Audit Manager and the Executive Projects Manager (Governance). The Work Based Learning Manager and Organisational Development Manager reported to this Group. In the next few weeks this Development

Group would be converted into a new Governance Board for Career Track. The Committee was advised of proposals to supplement the membership of the proposed Governance Board with representation from local employers and from the apprentices themselves. Members commented on the need to ensure the capacity of Board Members, along with the balance of skills within its membership, was appropriate for the role of the Board.

The Assistant Director (Partnerships) also confirmed that oversight of the Career Track service was provided by the Council's Human Resources and Council Tax Committee and by Cabinet through reports to them.

RESOLVED that the Audit Committee -

(c) notes the report, the findings of the Ofsted inspection and the success of Career Track over the years; and

(d) endorses the Development Plan and the actions currently being taken.

33. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - TENDRING CARELINE: RECOVERY AFTER IMPROVEMENT NOTICE FROM TEC SERVICES ASSOCIATION

The Committee considered a report of the Assistant Director (Partnerships) (report A.3) which informed it of the recovery actions taken by Tendring Careline after an improvement notice had been issued by the Technology Enabled Care Services Association (TSA) following their last audit of the Careline service operated by this Council.

Members were informed that Tendring Careline had been established in 1987 and had been a member of the TSA since 2010. That organisation was the national body of carelines across the UK and, although membership was not mandatory, it offered the most widely recognised accreditation for the telecare industry. Membership of the TSA also included the equipment suppliers used by carelines. The Tendring Careline had been accredited by the TSA since 2012. In order to be accredited, each Careline service must pass an annual audit by the TSA in which 13 modules were assessed. In September 2021 this Council's Careline service had been found to be compliant in 12 of those modules but had been issued with an improvement notice for the thirteenth, namely, Technology Enabled Care Monitoring. The full audit report was attached at Appendix A to the Officer report.

It was reported that the Technology Enabled Care Monitoring module within the TSA audit was an assessment of how quickly incoming calls to Tendring Careline were handled by the Control Centre Operators. In order to be passed as compliant the Careline staff should answer 97.5% of all calls within 60 seconds and, in any event, 99% of all calls within 180 seconds. The September 2021 audit of Tendring Careline had found that: *'KPI's for calls answered within 60 seconds have only been achieved for 2 months out of the last 18 months. KPI's for calls answered within 180 seconds have been missed 6 times in the last 18 months'*.

Officers felt that there were mitigating circumstances for those statistics. Firstly, the Covid-19 pandemic had had a great impact on staff resources. Between April 2020 and June 2020 numerous Control Centre Operators had caught the virus and had had to

self-isolate and numerous others had been considered to be 'vulnerable' and had also had to stay at home. At this point in time Tendring Careline had been operating on an old analogue call handling platform which meant that all Operators had to be physically present in the Control Centre which was a relatively small space with no windows and no fresh air circulating so it would have been likely that the virus could be transmitted. The decision had subsequently been taken to close the Control Centre and deploy a new digital call handling platform. This had enabled the Careline Operators to work from home but it had taken many months of online training for the Operators to get back up to speed on the new platform and, in addition, there had also been various problems with staff using the wifi available in their own homes whereby the wifi would 'drop-out' and calls could not therefore be answered.

The Committee was made aware that throughout the months April 2020 until April 2021 the service had continued to see staff resources stretched and that there had been times when it had not been possible to have enough trained staff online in order to meet the KPI's. It was also noted that call volumes had also increased during this time as the service had seen more frequent, and longer, calls from its vulnerable service users. A recruitment campaign had been initiated in September 2020 with new members of staff joining at the beginning of 2021 but the speed of training that was possible online had meant that the Council was not able to put those new recruits onto the rota until May 2021.

Members were advised that the second mitigating factor was the contract with Provide CIC and the addition of service users from the Essex County Council (ECC) telecare contract. Tendring Careline had been contracted to supply out-of-hours call monitoring services to Provide CIC since 2014 (between 6pm and 8am Monday to Friday, and all weekend and bank holidays). Early in 2021 Provide CIC, with Tendring Careline as a sub-contractor, had been successful in bidding for the newly let ECC Telecare contract which had started in July 2021. This contract had added 2,500 new service users that had needed to be monitored from day one and the addition of more service users on a daily basis.

The size of the contract and the speed that new service users were being added had contributed to Tendring Careline not being able once more to meet the TSA call handling KPI's. A restructure of the Control Centre Operators had been implemented in October 2021 and further recruitment had been undertaken but it had become clear that Tendring Careline would not be able to manage the Provide CIC contract and maintain the TSA call handling KPIs.

Recovery Plan

The Committee was informed that there were three actions that had been taken to ensure that Tendring Careline was able to meet the call monitoring KPIs and thus retain its TSA accreditation, namely:-

- 1. Provide CIC had given notice that the contract with Tendring Careline would end on 19th April 2022. This would immediately relieve the pressure on the Control Centre Operators as they would be only be monitoring circa 5,000 service users instead of the current 13,300. There was no intention to reduce staffing as it was imperative that Tendring Careline could meet its obligations to its service users.*
- 2. Call volumes would be monitored on a monthly basis to ensure the service had enough Control Centre Operators to meet the KPIs.*

3. An additional bank of Casual Control Centre Operators was being recruited to ensure there was sufficient cover for sickness and holidays.

It was reported that this recovery plan had been submitted to the TSA and accepted on the proviso that call handling KPIs were met after April 2022. The TSA had confirmed the Council's accreditation for the period until 24 June 2022. At that point Tendring Careline would be audited again as part of the annual cycle but the audit was likely to focus on the call monitoring area of compliance.

In addition, an internal 'Improvement Monitoring Group' was to be created to confirm that any action plans were put in place and checked regularly to ensure compliance. This group would include the Portfolio Holder and senior officers from the Audit, Finance and Partnerships teams.

The Head of Customer and Commercial Services responded to a question to say that he considered the Business Continuity Plan for the service was now more robust using the learning from the last two years.

During the discussion of this item, the Head of Customer and Commercial Services advised of the position whereby BT/Openreach had intended to end the analogue telephone system by 2025 as it rolled out digital telephone lines across the country. It had recently announced a pause in that plan. The issue with the plan for telecare providers such as Careline was that electricity outages generally did not affect the analogue telephone lines whereas they were catastrophic for digital telephone lines. As such, robust arrangements need to be in place to support those who were telecare customers to protect them when using digital telephone lines in the event of an electricity outage. For a while now, Tendring Careline had been deploying alarms for its new customers which included a small battery backup and a SIM card so that, in the event of an electricity outage, the customer could still activate the alarm and contact Careline using those back-up capabilities.

The dedication of the team delivering services through the Careline service was commented upon by members of the Committee.

RESOLVED that the Committee notes the contents of the report and requests Officers to create a recovery action plan.

34. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.4 - AUDIT COMMITTEE WORK PROGRAMME FOR 2022/2023

The Committee considered its proposed work programme covering the period April 2022 to March 2023 which had been prepared and continued to reflect the significant element of regulatory / statutory activity required, along with other associated work, which fell within the responsibilities of the Audit Committee.

The need for the work programme of the Committee to include updates on the Career Track and Careline matters reported to this meeting (Minutes 32 and 33 refer respectively) was referred to in the consideration of this matter.

The Chairman also drew attention to the delays being experienced in receiving External Audit reports. Written explanations from the External Audits in relation to those delays

should be submitted to the Committee's meetings where they occur so that they can form part of the public record.

RESOLVED that the proposed Work Programme for 2022/23 be approved, updated for the matters considered earlier at this meeting and referencing the need for External Audit statements where delays in reporting from them occurred and that the Programme be implemented accordingly.

35. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.5 - CORPORATE RISK UPDATE

The Committee considered the updated Corporate Risk Register, which had last been submitted to it in September 2021.

Members noted that the Corporate Risk Management Framework had remained unchanged at this time though a review of the framework had unfortunately been delayed and would now be reported to the Audit Committee in June 2022.

The table set out below detailed all amendments to the Risk Register since it had last been considered by the Committee in September 2021:-

Risk Register Item	Amendments / Comments
New Risks Identified	None
Risks Removed	None
Risk Scores Amended	Item 6b - Disconnection from PSN Network – inherent risk score reduced from 20 to 12, due to end of lifecycle.
Risk under review	None
Risks Amended	<p>Item 1a - Failure to effectively manage assets – update on main text.</p> <p>Item 1b - Catastrophic IT network failure – change in service delivery target, increased from 85% to 90%.</p> <p>Item 1c - Ineffective communication / management of information – update on main wording relating to cybersecurity.</p> <p>Item 1d - Ineffective Cyber Security Physical and Application (software) Based Protection Management – updates to main wording relating to cyber security initiatives.</p> <p>Item 2d - Ineffective delivery of Transforming Tending project – update on main wording relating to</p>

	<p>main office site work being completed.</p> <p>Item 5a - Financial Strategy – Current action wording updated</p> <p>Item 6b - Disconnection from PSN Network - change in wording to reflect the inherent risk being reduced. End of lifecycle.</p> <p>Item 9a - Ineffective Emergency Planning – change to main wording and change of responsible officer.</p> <p>Item 9b - Ineffective Business Continuity Planning – update to main text.</p>
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At its meeting held in September 2021, two further potential emerging risks had been highlighted to the Committee, namely:

- *Shortage of Global Supplies*
- *Failure to Deliver Key Contracts*

In terms of the second point, a report had been considered earlier in the meeting in respect of the Careline Service.

In terms of the first point, it was reported that this had continued to present a significant risk, especially in respect of computer processing chips and the impact from on-going global events. However, this continued to be managed via earlier procurement planning and remaining alert to market conditions.

The Committee was advised that the Fraud and Risk Team continued to oversee the Council’s Risk Management supported by the Council’s Internal Audit Team. The table below set out the work currently being undertaken:-

Agreed Action	Current Position
Management Team to promote the importance of operational risk management within the organisation and ensure that Senior Managers implement a process for identifying and mitigating risks in coordination with the Corporate Fraud and Risk Manager.	The Fraud and Risk Manager continues to work with Management Team to effectively promote the importance of operational risk management within the Council, and continues to attend management team meetings (via Teams) on a quarterly basis and provides monthly updates for any urgent matters identified.
One to one meetings will continue to take place between Senior Managers and the Corporate Fraud and Risk Manager to identify and record key operational risks within their service areas. Support to be provided by Internal Audit if required	These one to one meetings have commenced, but have not been fully completed due to time constraints and officers prior commitments. This matter will be reported to Audit Committee at a later meeting.

Follow Up Item

Agreed Action	Current Position
Arrange Risk Management training for all departments across the council	Risk Management training was carried out by the Fraud and Risk Manager in October 2021. This training was not suitable to be rolled out to all departments and alternative training is currently being negotiated with a Risk Management provider that will meet the council's requirements, with a view to rolling this out in 2022.
Review carried out relating to the effectiveness of the current control measures in place to identify inherent risk.	This review is still ongoing and a report will be brought before the Audit Committee at a later meeting.

During the discussion of this item, specific comments were made by the Committee members to the need for Councillors to adopt practices to support the measures to protect the Council from a catastrophic IT network failure. These included using the Council's own email address provided to them and the IT kit for connecting to the Council's network.

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

36. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

[Note: Following the passing of this resolution, and before proceeding, the Chairman of the Committee confirmed with officers that the live broadcast and recording of the meeting had ended.]

37. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - B.1 - RISK BASED VERIFICATION POLICY

RESOLVED that, following the annual review for 2022, the Risk Based Verification Policy, as set out in Appendix A to item B.1 of the Report of the Assistant Director (Finance & IT), be approved.

The meeting was declared closed at 12.04 pm

Chairman

Public Document Pack

Standards Committee

6 April 2022

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 6TH APRIL, 2022 AT 2.05 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Alexander, Fowler, 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), Karen Townshend (Executive Projects Manager (Governance)), Debbie Bunce (Legal and Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	The following Independent Persons: Sue Gallone (except items 31 (part – 33), David Irvine and Jane Watts

26. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor V E Guglielmi (with Councillor Alexander substituting), Councillor J Henderson (with no substitute) and Clarissa Gosling (one of the Council's four Independent Persons).

27. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on 2 February 2022 be approved as a correct record and be signed by the Chairman, subject to the deletion from the text of Minute 20 of the following paragraph:-

"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."

28. DECLARATIONS OF INTEREST

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

29. 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.

30. REPORT OF THE MONITORING OFFICER - A.1 - ADOPTION OF THE LOCAL GOVERNMENT ASSOCIATION'S MODEL MEMBERS' CODE OF CONDUCT

Further to Minute 24 (2.2.22), the Committee reviewed part of the elected Members' Model Code of Conduct, as authored by the Local Government Association (LGA), in comparison to Tendring District Council's (TDC) Members' Code of Conduct (the Code), for eventual determination as to whether to recommend the Model Code to Full Council for adoption.

Members recalled that, in 2018, following a recommendation made by the Standards Committee, the Full Council had adopted the Members' Code of Conduct (the Code) as detailed within Part 6 of the Council's Constitution and as attached as Appendix A to the Monitoring Officer's report. The Code set out the standards, values and rules of conduct that elected Members were expected to abide by.

It was reported that, in May 2021, a final version of the Members' Model Code of Conduct (the Model Code) had been authored and released by the LGA (after two amended versions had previously been issued). The aim of the Model Code was to provide consistency for Members across Parish, Town, District and County Councils, especially for those Members representing two or more electorates (also known as 'dual hatters' or 'triple hatters').

As part of its work programme, the Standards Committee was requested to review TDC's Code in comparison with the Model Code, together with associated guidance, and recommend to Full Council as to whether the Model Code should be adopted or whether to review and keep the TDC Code. Should the Committee wish to recommend that the Model Code be adopted, it had previously been proposed that implementation would not take effect until the new municipal period following the 2023 District Council elections.

Members were informed that the LGA planned to undertake an annual review of the Model Code to ensure it continued to be fit for-purpose, incorporating advances in technology, social media and changes in legislation. Therefore this Authority would be required to review its Code, if adopted, to ensure consistency.

In addition to the publication of the Model Code, the LGA, in consultation with Monitoring Officers and associated Officers nationally, was compiling a training package for Members and Officers which could be utilised following elections, or for refresher training. The training package, which was currently in draft form, could be either completed in a single session or broken down into multiple sessions focussing on specific areas, whichever catered to Members' needs at that time, allowing for questions throughout. The training package could be conducted in person or online and there was supporting material available for Members' reference.

The training was broken down into 'bite size' sections following the Model Code with relevant scenarios and case studies. Due to the training package still being in draft form at this stage, a further report would be presented for discussion to the Committee at its next meeting.

The Model Code was attached as Appendix B to the Monitoring Officer's report.

The Committee was reminded that the TDC Code covered three main areas as follows:-

Part 1 set out some general obligations regarding the behaviour of elected and co-opted Members ("**Rules of Conduct**");

Part 2 explained how Members should behave if they had a personal/code interest in an item of Council business ("**Members' Interests**"); and

Part 3 set out rules requiring registration of interests for public inspection ("**Register of Members' Interests**")

Members were reminded that the Code covered the following areas:-

- Duties and Responsibilities
- Information
- Conduct
- Use of the Position
- Registration of Interests
- Sensitive Information
- Decision Making
- Compliance with the Law and the Authority's Rules and Policies
- Disclosable Pecuniary Interests
- Declaration of Members' Interests
- Declaration of Personal Interests generally
- Effect of Disclosable Pecuniary Interests on participation
- Effect of Personal Interests on participation

The Committee was informed that the LGA Model Code had been written in the first person, in order to make it more personal to individual Councillors and that it covered the following areas:

- General Conduct
- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Interests
- Gifts and Hospitality

Members were advised that, although the Code and Model Code stated slightly differing titles for the areas covered within them, the content was extremely similar within each document and the Model Code covered each area in more detail giving some explanatory text. The main differences between the Code and Model Code were as detailed hereunder:-

The Code - 3.4 Conduct

"Members must:

- (a) not conduct themselves in a manner which could reasonably be regarded as bringing their office or Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the Authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted on accordance with their respective statutory powers."

The Model Code - 8 Complying with the Code of Conduct

- “8.1 I undertake Code of Conduct training provided by my local authority.
8.2 I cooperate with any Code of Conduct investigation and/or determination
8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.”

The Model Code also included a definition of bullying, something which the TDC Code did not have. The Committee on Standards in Public Life had recommended that local authorities included such a definition within their code.

The Code - 3.7 Decision Making

“Members must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by –
- (i) the Authority's Head of Paid Service
 - (i) the Authority's s.151 Officer / Chief Financial Officer
 - (iii) the Authority's Monitoring Officer / Chief Legal Officer
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

Decision making in this form was not referred to in the Model Code, however Article 13 within the Council's Constitution, set out the responsibilities and principles for decision making in detail, including reference to the Statutory Officers, therefore in the view of the Monitoring Officer, this would be sufficient were the Model Code to be adopted.

The Code - 3.6 Registration of Interests

In accordance with and subject to Part 2 of the Code, Members were 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.

The Model Code - 9.1 I register and disclose my interests

“Section 29 of The Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interest of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.”

The Committee was made aware that, should the Model Code be adopted then particular attention would need to be given to training for Members in this area. Further research into the differences between the Interests sections would be conducted by Officers, with a report compiled, to be presented in further detail for discussion by the Committee at its next meeting.

Members were further informed that, from initial conversations between Monitoring Officers across the County, there did appear to be an eagerness for the majority of the authorities to consider and then subsequently adopt the Model Code, subject to approval from their respective Full Councils. Indeed, both Essex County Council and Southend-on-Sea City Council had received reports recommending adopting the Model Code. If all Essex Authorities adopted the Model Code, this would achieve the aim of bringing consistency across the county.

The Committee then duly considered and discussed this matter. That discussion included the following:-

- (i) the advantages and disadvantages of the two Codes;
- (ii) the possibility of the Monitoring Officer providing Members with a visual comparison of the two Codes on a “side-by-side” basis;
- (iii) the complexity of the language used within the two Codes;
- (iv) the potential to incorporate the definitions and explanatory text contained within the Model Code as part of TDC’s Code, possibly as appendices; and
- (v) the desirability generally of whether to adopt the Model Code, or amend the TDC Code with elements of the Model Code, or keep the TDC Code without any alterations being made.

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

RESOLVED that the Standards Committee:

- (a) notes the contents of the Monitoring Officer’s report and its Appendices;
- (b) confirms its satisfaction of the comparison of the Tendring District Council’s Members’ Code of Conduct and the LGA Model Code of Conduct; and

- (c) requests the Monitoring Officer to present in more detail the implications of the differences in Declarations and Registration of Interests, for the Committee to consider prior to agreeing its recommendations to Full Council.

31. CASE REVIEW PRESENTATION AND GUIDANCE UPDATE ON DECISIONS AND ACTIONS TAKEN NATIONALLY

The Monitoring Officer presented a guidance update on conduct complaint decisions and actions taken nationally.

The Monitoring Officer's external case review covered the following:-

Case 1 – Maldon District Councillor

- 6 complaints of bullying by the Councillor and his deliberately attempting to undermine the process had been upheld by the standards committee;
- that Councillor had then deliberately disrupted a subsequent full Council meeting which had necessitated the Police to be called and the meeting abandoned. The Councillor had shown no remorse for his actions despite the impact of his behaviour on a number of staff and Councillors; and
- that Member had subsequently been convicted earlier this year of breaching a non-molestation order in 2019. He had been given an eight month prison sentence (suspended) which had automatically disqualified him from the office of Councillor (Section 80 Local Government Act 1972). Therefore, he had lost his office due to an incident in his private life.

Case 2 – Financial Costs of Investigating Handforth Parish Council (Jackie Weaver)

- main problem was differing interpretations of Section 85 Local Government Act 1972 (disqualification of Councillor due to non-attendance at meetings);
- arguments at online parish council meeting had gone 'viral' and had attracted huge media attention which had exacerbated existing problem and had increased the number of conduct complaints;
- resulting report to Cheshire East Council's Audit & Governance Committee had had external costs of £85,000 due to threats of a Judicial Review and need for independent advice;
- other aggravating factors had included:-
 - i. three separate investigation reports involved six different councillors;
 - ii. reports had appendices in excess of 1,000 pages;
 - iii. breaches of Code had been found resulting in multiple recommendations;
 - iv. prolonged and repeated delay in the process;
 - v. Councillors had resigned;
 - vi. Monitoring Officer's offer of help had merely generated more complaints;
 - vii. allegations of financial impropriety had necessitated involvement of the Police and auditors;
 - viii. external organisations employed to carry out the investigations had had to implement protocols for the protection of their staff;
 - ix. complaints continued to be submitted;
 - x. Information Commissioner's Office was now also involved.

Case 3 – Borough Council forced to revise its Complaints Procedure

- a Borough Council had had the practice of referring all complaints (unless obviously vexatious, frivolous or politically motivated) to a Member Assessment Panel even if the Monitoring Officer was intending to take no further action;
- this had resulted in delays in the process and a detrimental impact on that Council's limited resources;
- that Council had now implemented revised arrangements; and
- lesson to be learnt was the need to ensure that robust frameworks were in place and that Councillors should be regularly informed on how the Monitoring Officer delegated powers were being exercised.

Case 4 – Breach of Code of Conduct by a Member of a Council in Wales

- Councillor in question had applied for planning permission to open a café but then proceeded to operate that café before the planning application had been determined;
- Councillor had relied on defence of “limited and confused knowledge of planning matters” despite his being a member of the Planning Committee and having undertaken the necessary training;
- Ombudsman had decided that the Councillor had brought both his office and the Council into disrepute;
- Standards Committee then proceeded to suspend the Councillor for one month for this “Serious breach”; and
- it was important to note that Wales had a different standards regime to England.

Case 5 – Deputy Monitoring Officer's Decision quashed by the High Court

- a Parish Council had accused one of its Members (Cllr R) of breaching its code of conduct (grounds were “not behaving during a meeting in a respectful way and acting in a way that could bring the Council into disrepute);
- a second complaint relating to the Chairman of that same meeting (Cllr C) was also processed;
- External solicitor had made an assessment of the two complaints and submitted their recommendations;
- the Deputy Monitoring Officer (DMO) had concluded that Cllr R had breached the Code but decided not to refer the complaint for further investigation. The DMO had further concluded that Cllr C's actions had not breached the Code;
- Cllr R had challenged the DMO's decision in Court on the following grounds:-

Ground A – the DMO had failed to make any clear findings on what Cllr R had actually said in the meeting;

Grounds B & C – the DMO had not considered Article 10 of the European Convention on Human Rights (right to freedom of expression); and

Ground D – the DMO had taken different approaches to dealing with the two complaints.

- Mrs Justice Lang had upheld the challenge in the High Court and had quashed the DMO's decision. In her judgement she had highlighted the following:-

Ground A – the DMO had failed significantly in her assessment and decision making process by not testing the inconsistencies that had been shown up in that assessment process;

Grounds B & C – the DMO’s interpretation and/or application of Article 10 of the European Convention on Human Rights (right to freedom of expression) had been flawed and she had failed to give effect to the enhanced right of political expression. Mrs Justice Lang had found:-

“In re-making the decision under Article 10(2), I conclude that the interference did not fulfil a pressing social need, and nor was it proportionate to the aim of protecting the reputation of the other councillors. As an elected councillor, taking part in a public meeting called by the parish council to discuss the Green Belt, the Claimant was entitled to the enhanced protection afforded to the expression of political opinions on matters of public interest, and the benefits of freedom of expression in a political context outweighed the need to protect the reputation of the other councillors against public criticism, notwithstanding that the criticism was found to be a misrepresentation, untruthful, and offensive.”

Ground D – Mrs Justice Lang had accepted that the two complaints could have had a different outcome due to their factual differences but that the DMO should have undertaken the same approach to both and that by failing to do so Cllr C had been more favourably treated than Cllr R.

The Monitoring Officer also reported that the Government, on 18 March 2022, had finally responded to the 26 recommendations made by the Committee on Standards in Public Life’s (CSPL) in its January 2019 report following its review of ethical standards in local government. She gave Members a brief precis of the Government’s response to the LGA and its Model Code and the issue of intimidation in public life and informed the Committee that she would be submitting a detailed report on this matter to its next meeting.

The Monitoring Officer also made Members aware that the CSPL would be undertaking a review of “Leadership” in looking to embed the Seven Principles of Public Life in public sector organisations.

The Committee thanked the Monitoring Officer for her presentation and duly noted the foregoing.

32. DRAFT COMMITTEE WORK PLAN FOR 2022/2023

The Committee considered the following draft Work Plan for 2022/2023:-

27th July 2022

- Review of Tendring District Council’s Code of Conduct and Local Government Association Model Code of Conduct
- Review of the Independent Person Protocol and recruitment preparations for 2023
- Regular Complaints update by Monitoring Officer

26th October 2022

- Review of the Monitoring Officer Protocol
- Case review and guidance update for the Committee on decisions and actions taken nationally
- Regular Complaints update by Monitoring Officer

1st February 2023

- Update on Mandatory Training
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Regular Complaints update by Monitoring Officer

15th March 2023

- Work Programme 2023/24
- New Member Induction Programme for 2023/24
- Regular Complaints update by Monitoring Officer

Members were aware that the above meeting dates were provisional pending ratification at the Annual Meeting of the Council on 26 April 2022 and that, in addition, individual matters might be referred to those meetings by the Monitoring Officer, in accordance with the Committee's Terms of Reference as necessary, for example, an appeal against a dispensation decision or a Code of Conduct hearing.

In response to a request made by Councillor Alexander, the Monitoring Officer (Lisa Hastings) undertook to refer the issue of whether a member of the Planning Committee should be enabled to appoint their substitute from a different political group to their own to the Review of the Constitution Portfolio Holder Working Party for its consideration.

Having duly considered and discussed the contents of the draft work plan:-

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

RESOLVED that the Work Plan for the Standards Committee for 2022/2023 be approved and adopted.

33. QUARTERLY COMPLAINTS UPDATE AND OTHER GENERAL MATTERS

The Committee had before it the Monitoring Officer's quarterly schedule, which updated it on existing and new conduct complaint cases, along with other matters.

Conduct Complaints Update

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE APRIL 2022

Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
TOWN	PUBLIC 2 x TOWN COUNCILLORS	ONGOING	Informal resolution	Matter related to claims of bullying. Informal resolution and training with an external company conducted. All Members within Town Council engaged to positive working arrangements going forward.
DISTRICT	PUBLIC	CLOSED	No further action	Matter relates to conduct in proceedings external to the Council. Inconsistent information provided by Complainant related to a separate dispute.
PARISH	PUBLIC	CLOSED	No further action	Complaint mainly related to the dissatisfaction of the Council's lack of action in a particular matter.
New Cases since last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PUBLIC	ONGOING	Response from Councillor identified in complaint only recently received.	Matter relates to conduct in a public meeting. Second complaint of this nature Independent Person will be consulted prior to any MO decision.
TOWN	PUBLIC	ONGOING	Response from	Matter relates to

			Councillor identified in complaint only recently received.	various areas which need to be identified more clearly. Independent Person will be consulted prior to any MO decision.
<u>General Notes – 2021/22 Summary:</u>				
<p>11 new cases had been received in 2021/22, however, 5 complaint forms had been sent relating to correspondence received for District/Parish/Town Councillors conduct but had not been returned.</p> <p>1 Town Council matter was still on-going from March 2021 but it includes all members and stakeholders as part of the process.</p> <p>1 District Councillor complaint from 2020/21 had been considered by the Standards Committee at a Hearing and a breach of the Code of Conduct had been found.</p> <p>1 District Councillor complaint had resulted in No Further Action.</p> <p>2 Parish Councillor complaints had resulted in No Further Action.</p> <p>1 Parish Councillor complaint had resulted in Informal Resolution including training.</p> <p>2 cases were pending.</p> <p>Training had been conducted at 1 Parish Council, with a recent request for training received from another Parish Council. A separate training session had been conducted for Clerks.</p>				
<u>Requests for Dispensations:</u>				
<p>6 separate requests had been received of which 5 had related to the same matter being discussed recently at several meetings. The TDC Website needed to be updated with that information.</p>				

The Committee noted the foregoing.

The meeting was declared closed at 3.28 pm

Chairman

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Audit Committee

25 April 2022

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON MONDAY, 25TH APRIL, 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 Miles
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Mark Westall (Head of Customer and Commercial Services), Craig Clawson (Internal Audit Manager), Karen Townshend (Executive Projects Manager (Governance)) and Matt Cattermole (Communications Assistant)

[Note: Aphrodite Lefevre of BDO LLP (the Council's External Auditors) was able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

38. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors King, Placey and Steady. No substitutes were appointed.

39. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Thursday 31 March 2022 were approved as a correct record and signed by the Chairman.

In response to a question from the Chairman, the meeting was advised that the recruitment to the new full-time Audit Technician post was progressing through the internal approval process (Minute 31 of 31 March 2022 refers). It would then be advertised. The Committee's attention was also drawn to the information provided to the Committee by BDO LLP, the Council's External Auditors, on the progress with the audit of the Council's accounts for 2020/21 (Minute 34 of 31 March 2022 refers). This information was set out in an addendum to the report of the Assistant Director (Finance & IT) considered at Minute 44 below.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

41. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

42. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT: JANUARY TO MARCH 2022

The Committee had before it a report of the Internal Audit Manager (A.1) which provided it with a periodic report on the Internal Audit function for the period January 2022 to March 2022 together with the outcome of an annual self-assessment of the Internal Audit Team that had been conducted by the Principal Auditor against the Public Sector Internal Audit Standards (PSIAS).

Internal Audit Plan Progress 2021/22

It was reported that a total of six audits had been completed since the previous update to the Committee in January 2022 with fieldwork was ongoing on another six audits. Five of the six audits completed had received a satisfactory level of assurance. One audit (Careline) had received an overall opinion of 'Improvement Required' and details were provided as follows:-

Strategic Direction of Careline

Issue identified:

"In 2021, Careline won the contract to provide local Careline out of hours' coverage for Essex County Council (managed by Provide), using its established team and building on work already undertaken for them.

During the audit, it became apparent that the service had struggled to provide the expanded contractual service required and had consistently underperformed call response times, with the major contributing factors being the availability of trained officers and increasing volume of calls."

Risk:

"If the contract was exited without due attention to detail and evaluating all options, there was considerable financial and reputational risk to the Council which could affect budget performance and the future effectiveness and integrity of the Careline service."

Agreed action:

"Following the cessation of the contract, it would be timely to review the strategic direction of the service, especially considering the operational and staffing issues and difficulties of fulfilling larger contracts.

For the short term, the service will concentrate on exiting the Provide contract in a professional manner, including continuing liaison meetings and ensuring all data and GDPR obligations are carried out as required.

Subsequently, the service will be reviewed and future strategic direction decided. Current options include a pivot to organic growth from private users, smaller contracts and continuing to work with Provide in other capacities. There are also other options to explore, including integration of some healthcare services.

Any options or direction chosen should be undertaken in consultation with, senior management, the Portfolio Holder and the appropriate committee."

Management of Careline Debtors

Issue identified:

"Service users should pay on a monthly basis, using a direct debit mandate. Where funds were unable to be taken, the Council's debtor's procedure was initiated and a series of up to three letters were sent until payment was made.

Should no payment be received, then the debt was returned to the department for further decision and action.

Currently, there was only a very ad hoc process in place and no scheduled monthly action. A spreadsheet was maintained and updates added by the Officer managing the debt. The spreadsheet showed that several months could elapse between contacts with the debtor, and follow up was not always prompt.

This had led to a build-up of debt, some quite long term.”

Risk:

“Without managing debtors, there was risk of payments not being collected at the due time, or at all, which had an adverse financial and resource impact.

If long term debtors were not managed, it could lead to the position of unfairly allowing some users to continue to use the service for no charge, while the majority continued to pay.

Agreed action:

“Outstanding debts are to be reviewed and actions taken to progress a resolution and substantially reduce the outstanding amount.

Options may include write off, further chasing or review supply of service in the event of longer term non-payment. In the latter, there needs to be a formal process developed where especially vulnerable users are concerned.

In addition, a new process involving a responsible officer will be introduced to monitor and manage ongoing outstanding debtors on a consistent regular basis, once the Corporate Debtors Policy process of automated debt management letters has been exhausted and the debt returned to the department.”

The Committee was informed that the service had developed a Careline Recovery Plan (as detailed in Appendix B to the report) which incorporated the actions highlighted above as well as more operational actions identified during the audit. The recovery plan had been reviewed and approved by Senior Management and was ready to be progressed and implemented.

Progress on all audits in the 2021/22 Internal Audit Plan was evidenced in Appendix A to the report and the Internal Audit Manager was confident that sufficient work would be completed prior to providing the Head of Internal Audit’s Annual Opinion in June 2022.

Members were made aware that the Internal Audit Team currently had audits on Depot Operations and Depot Waste Management in the audit plan. Initially, when the audit plan was initially drawn up Officers had been unsure of the level of work needed for both of those reviews which was why two separate audits had been set up. After initial discussions it was now felt that those two audits could be merged and reported under the one title of Depot Operations as the areas were linked and it would save time with regards to Officer meetings and reporting arrangements.

The Committee was informed that during this time the Internal Audit Team was also planning and scoping audits within the 2022/23 Internal Audit Plan for the coming financial year.

Quality Assurance

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

Resourcing

Members were advised that the IAT had opted out of the 30 day consultation period required when a restructure took place. This would allow the Team to begin the recruitment process for the vacant Audit Technician post in the coming weeks.

Management Response to Internal Audit Findings

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

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

Status	Number	Comments
Overdue more than 3 months	1	Planning Enforcement Policy – This had now been added to the table of outstanding actions since the last update from the Acting Director (Planning).
Overdue less than 3 months	0	
Not yet due	2	

Quality Assurance Improvement Programme (QAIP)

The Committee was aware that the Internal Audit function were required to undertake an annual self-assessment against the Public Sector Internal Audit Standards (PSIAS). This assessment was then used to create a Quality Assurance Improvement Programme (QAIP) which Officers used for the continuous improvement of the service. Due to resource limitations the Internal Audit Manager had been unable to undertake this assessment for the January 2022 meeting of the Committee and had requested that it be deferred. The assessment had now been completed by the Principal Auditor and the attached QAIP (as detailed in Appendix C to the report) had been reviewed and updated.

It was reported that the review had identified that a number of actions had been completed and therefore were compliant with the Standards particularly around staff training and experience. As the Council's Auditor had completed her apprenticeship and was now a qualified Internal Audit Practitioner with over two years' experience it was felt

that the experience of the current team was sufficient to meet those standards and therefore it had been removed from the QAIP.

Members were informed that the actions relating to aligning Internal Audit's assessment of risk with the Council's risk management framework remained ongoing with further work needed at a departmental / operational level.

In addition, actions in the QAIP relating to 'Proficiency' remained unchanged. The Internal Audit Team remained a small team and it continued to do the best it could to meet those standards with limited resources. It had been identified that although all members of the Team have had training in fraud detection historically, it might be worthwhile to refresh the knowledge base.

In so far as measures to prevent 'over-familiarity or complacency' in internal audits, the Committee was informed that steps are taken to alternate who within the Internal Audit Team undertakes repeat audits.

The Committee was advised that a new action had also been identified relating to policy and procedures. The Internal Audit Manual had not been updated since 2017 and although the main body of the manual was still relevant it would need to be updated to reflect changes in software usage and audit techniques for future staff training purposes.

In considering the report from the Internal Audit Manager, the Committee heard from the Head of Customer and Commercial Services on the administrative issues that had given rise to the large number of debtors (with total debts to the Council of £20K) in respect of the Careline Service across the two years of the Covid-19 pandemic and related periods of lockdown restrictions. He confirmed that processes were in place to underway to address those issues and the implementation of the plan to recover the situation was being overseen by a management board of senior management. Some of those recorded as debtors had ceased to receive the service as they no longer required it. As such, these debts would be cancelled. Others had stopped paying for the service, or never commenced payment, and these would be contacted individually. The practice was to provide non-payers with three notifications to request payment. Those struggling to meet the Careline costs to use the service could now be sign-posted to the comparable service provided by Essex County Council as the costs to use that service was means-tested.

The Committee was further advised that the ending of the PROVIDE sub-contract arrangements with Careline had immediately improved the workload of Careline and enable it to look at options for the future. These were being assessed internally by Officers with a view to ensuring the service was viable and sustainable going forward. All those who had been passed to Careline through the PROVIDE sub-contract arrangement would now access the same service but through PROVIDE's other arrangements.

In respect of the table of outstanding actions set out earlier, the Committee expressed concern that the refreshed Planning Enforcement Policy remained outstanding. The Committee was advised that the reviewed Policy was scheduled to be considered by the Council's Corporate Enforcement Group in June 2022 and then submitted for approval. The need to keep the Committee updated with progress with the development of this Policy was emphasised.

After a discussion it was:-

RESOLVED that –

- (a) the contents of the report be noted; and
- (b) the Quality Assurance Improvement Programme be agreed.

43. REPORT OF ASSISTANT DIRECTOR (FINANCE & IT) - A.2 - ANTI-FRAUD AND CORRUPTION STRATEGY

The Committee had before it a report of the Assistant Director (Finance & IT) (report A.2) which presented it with an updated Anti-Fraud and Corruption Strategy.

It was reported that the Council's Anti-Fraud and Corruption Strategy had last been updated in April 2021 and it remained subject to an annual review process which had recently been completed. The amended Strategy was set out in Appendix A to the report.

Members were informed that the Strategy continued to be based on CIPFA's code of practice on managing the risk of fraud and corruption. As its foundation, the Strategy set out the Council's commitments along with the following key areas:-

- Purpose, Commitment and Procedure
- Legislation and General Governance
- Definitions
- Standards, Expectations and Commitment
- Roles and Responsibilities
- Prevention
- Detection and Investigation
- Resources Invested in Counter Fraud and Corruption

Members were further informed that the intention was to continue to include the scope for prosecutions within the Anti-Fraud and Corruption Strategy itself and include the relevant framework against which prosecutions would be considered. Those changes had been included within the 'Detection and Investigation' section of the strategy.

It was reported that the Strategy would continue to be subject to an annual review process including progress against identified actions and it had therefore been included on the ongoing work programme of the Committee. It was acknowledged that through its application, the Strategy would evolve to reflect the various strands of work being developed within the Council, which would be included in future updates presented to the Committee.

The Committee was advised that amendments to the Strategy reflected the response to the COVID 19 pandemic where fraud risks had unfortunately increased during such difficult times. Work remained on-going in terms of lessons learnt from the last 24 months and further changes to the Strategy were likely to be required, especially as relevant regulatory bodies were expected to publish in the coming months anti-fraud and corruption guidance following the COVID 19 pandemic. Subject to the scale and timing of potential changes, a revised Strategy would be presented to the Committee during the year or would form part of the annual review early in 2023.

Members were aware that updates against the Council's Anti-Fraud and Corruption Strategy Action Plan were also included within Appendix A.

In considering this matter, the Members of the Committee commented on how well worded the draft revised Strategy was and how easy to read it was. In relation to the reference in the draft Strategy to sanctions against Contractors who commit fraud that this should also cover fraud they commit against service users (and not just against the Council or public funds more generally). Another proposal was to provide a telephone number in the section of the report headed 'Helpline or Employees' (in addition to the email address provided). Members also proposed that the section of the Strategy concerning the detection and investigation of fraud should recognise the role Councillors can and should play to prevent and detect fraud and corruption (alongside the other groups referred to there).

A question was also asked about the training for staff in respect of investigation of fraud and corruption.

After discussion it was:-

RESOLVED that the amended Anti-Fraud and Corruption Strategy, as set out in Appendix A to item A.2 of the Report of the Assistant Director (Finance & IT), be approved subject to amendments to address the following:

- Roles and Responsibilities (Page 7) - sanctions against Contractors who commit fraud should also cover fraud they commit against service users (and not just against the Council or public funds more generally).
- Roles and Responsibilities (Page 7) - 'Helpline or Employees' - a telephone number be provided to enable anonymous reporting (in addition to the email address provided).
- Detection and Investigation (Page 10) - recognise the role Councillors can and should play to prevent and detect fraud and corruption (alongside the other groups referred to there).

44. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - AUDIT COMMITTEE: 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 (report A.3).

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.

Other issues

Statement of Accounts 2020/21

The Committee was informed that the Statement of Accounts 2020/21 remained subject to the conclusion of the work of the External Auditor. The associated report of the External Auditor was yet to be received as they continue their necessary audit work.

The Committee also had before it a progress report from BDO (the Council's External Auditor) which provided reasons for the delay and which further stated that the audit was not sufficiently progressed to enable them to present the Audit Completion Report.

Two further reports from the External Auditor that had been planned to be presented to this Committee would be reported later in the year once they had been finalised by them.

Regulation of Investigatory Powers Act 2000 (RIPA)

Members were advised that this Authority had not conducted any RIPA activity in the last quarter and that it was rare that it would be required to do so.

It was reported that the following draft policies had been circulated to the Operational Enforcement Group for their consideration:-

Covert Surveillance Policy and Procedure Manual pursuant to the Regulation of Investigatory Powers Act 2000; and

Use of Social Media in Investigations Policy and Procedure.

At the meeting, the Committee was advised that it was anticipated that the policies referred to would be further considered by the Operational Enforcement Group at its meeting on 10 May 2022.

Housing Void Rate

The Committee was informed that the housing void rate would now be reported by exception and managed through Financial Performance Reports and had subsequently been removed from the Table of Outstanding Issues.

Redmond Review

It was reported that no further updates had been provided by the Government at this time.

The Committee was then addressed by Aphrodite Lefevre of BDO LLP (the Council's External Auditors). She had joined the meeting through the MS Teams platform. She spoke to the Addendum to the Report of the Assistant Director (Finance and IT) that had been provided to the Committee and set out progress with the audit of the Council's accounts to 31 March 2021. Ms Lefevre set out some of the challenges external auditors were facing with recruitment and retention of external auditors and the enlarged regulatory framework for external auditors. She advised the Committee of the intention of BDO LLP to report on outstanding matters to each meeting of the Committee.

In view of the appointment of the Committee on 26 April 2022 (at the Annual Council) there would again be the need to consider the training requirements of the members of this Committee.

After an in-depth discussion the Committee **RESOLVED** that it notes the progress made against the actions set out in Appendices A to C of item A.3 of the Report of the Assistant Director (Finance & IT), along with the reported update from the Council's External Auditor.

45. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 9 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

[Note: Following the passing of this resolution, and before proceeding, the Chairman of the Committee confirmed with officers that the live broadcast and recording of the meeting had ended.]

46. EXEMPT MINUTE OF THE MEETING HELD ON THURSDAY 31 MARCH 2022

The Exempt Minute of the last meeting of the Committee held on Thursday 31 March 2022 was approved as a correct record and signed by the Chairman.

The meeting was declared closed at 11.35 am

Chairman

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Community Leadership Overview and
Scrutiny Committee

9 May 2022

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 9TH MAY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chittock (Chairman), S Honeywood (Vice-Chairman), Codling, Davidson, King, Miles, Nash and Steady
Also Present:	Councillor P Honeywood
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Keith Simmons (Head of Democratic Services and Elections), Hattie Dawson-Dragisic (Performance and Business Support Officer) and Matt Cattermole (Communications Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted by Councillor Paul Clifton (no substitution).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 21 March 2022 be approved as a correct record.

3. DECLARATIONS OF INTEREST

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

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. FREEPORT EAST PROPOSALS AND DEVELOPMENT PLANS TO DELIVER THE PROPOSALS

The Community Leadership Overview & Scrutiny Committee (“the Committee”), at its meeting held on 9 May 2022, was reminded that Council (on 13 July 2021, Minute 53 refers) had requested the Committee to undertake an enquiry into the issue of Freeports generally, and specifically, into the progress of the proposals for Freeport East (its interlinking with Thames Freeport); specific measures on site (and particularly on the Harwich site); impact on previous planning permissions being implemented; and measures outside of the Freeport to harness the maximum soci-economic benefit from them into the local community.

To support the Committee’s enquiry, it was provided at that meeting with a report in the name of the Leader of the Council, Cllr Neil Stock OBE. Unfortunately, Councillor Stock was not able to attend this particular meeting of the Committee. Lee Heley, Interim

Corporate Director (Projects Delivery) spoke to the report and he was accompanied at the meeting by the Deputy Chief Executive, Lisa Hastings.

The Committee was informed of the progress of the Freeport East Development as follows:

- *Throughout 2020, the Council had 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 had announced the intention to designate sites in Essex and Suffolk as 'Freeport East'.*
- *At their meeting on April 2021, Cabinet had 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 had 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.*
- *Tendring District Council supported the approach to the Freeport East Full Business Case at Cabinet in March 2022 and included Freeport East in its Policy and Budget Framework at Full Council that month.*

- *East Suffolk Council as the Lead Authority, alongside Freeport East, submitted the Full Business Case (FBC) to Government for Freeport East on behalf of partners on 14 April 2022.*
- *Government will now respond to Freeport East's FBC, with the final Full Business Case to be agreed between Government and Freeport East by August 2022.*

The Members of the Committee had developed key lines of enquiry in relation to this matter and through their questioning, and the answers provided, the Committee explored the issues related to the Freeport concept and the particular proposals for Freeport East. The Committee's discussion looked at the infrastructure required in, around and to/from the Freeport East site at Bathside Bay, Harwich and the planning processes that would seek to ensure the necessary infrastructure was provided (alongside investment by agencies such as Highways England).

The Committee also enquired into the number of jobs that were estimated to be created through the development. The Committee was informed that the estimation was that around 10,000 jobs would be created over the three Freeport East sites (Harwich, Felixstowe and Stowmarket) and that 3000 of these could be created within this District. The Committee was also advised that, whilst the details of the Full Business Case were confidential, the Government in its Guidance expected local skills supply to be a key competent of Freeports and that Freeport East were committed to provide apprenticeships as part of its overall offer and to engage closely with schools to promote opportunities that would be coming forward. The benefit from Freeport East was envisaged as being at a regional scale.

The Committee thanked Lisa Hastings (Deputy Chief Executive/Monitoring Officer) and Lee Heley (Corporate Director Projects Delivery) for the report and attending the meeting.

It was **RESOLVED TO RECOMMEND** to **CABINET** that:

- (1) The approach of the Council, in wholeheartedly supporting and embracing the Freeport East proposal, be welcomed and endorsed as something that had the potential to radically transform in a good way the Town of Harwich, the wider District of Tendring and beyond;
- (2) The jobs and skills commitments in the Full Business Case for Freeport East should be kept to the fore by the Council and that the development of the first careers hub be encouraged as swiftly as possible.
- (3) The urgent need to enhance the A120 from its junction with the A133 at Great Bromley Parish to Harwich was something that could delay or prevent the full potential of Freeport East being realised if commitments were not given to achieve those enhancements in the immediate forthcoming period:
- (4) There was a need to ensure that pro-active steps were taken to offer solutions to any issues that arose in achieving advantage across all parts of the District in developing supply chains, business to business links, skills development, supportive public investment and jobs creation associated with the Freeport East;

The meeting was declared closed at 8.45 pm

Chairman

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Planning Policy and Local Plan Committee

11 May 2022

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON WEDNESDAY, 11TH MAY, 2022 AT 6.01 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman BEM, Fowler and Winfield
Also Present:	Councillor Newton (Portfolio Holder for Business & Economic Growth)
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer) and Mark Wilson (Development Technician - Technical)

1. **CHAIRMAN'S OPENING REMARKS**

The Chairman of the Committee (Councillor Turner) formally opened the meeting with the following remarks:-

"Good evening to fellow Members, our Officers, members of the public, especially Bill Marshall, and not forgetting the media.

We are already seeing the fruit of our previous hard work on the District Plan in the Appeal Decisions now coming through.

We have before us the next 5 Conservation Area Character Appraisal & Management Plans for:-

*Harwich Old Town;
Manningtree & Mistley;
Frinton & Walton;
Brightlingsea; and
Great Bentley.*

We are tasked to see if we can agree these to go forward to Cabinet for onward going out for public consultation.

Having read the report I have come to the conclusion that you need local knowledge to be able to properly understand each section of the report. That is why on receiving this report I sent it onto the local Ward Members asking them to comment and further asking for them to be put before the relevant Town and Parish Councils. All comments to be forwarded to Mr Guiver, our Director for Planning.

It is only this way that we can fine tune and make these effective tools for our communities, in particular, for shop frontages, building materials etc.

I did try and failed to get a pamphlet out to all property owners in our conservation areas with the rate demands sent out in March, to explain the extra responsibilities and expectations. The same applied to 'Riparian' owners. Most of the above are unaware of their obligations.

The report highlights the many common factors between all our conservation areas in regards to the opportunities for enhancement and management proposals found at the back of all the individual sections of the report. To that end I would like, if we are so minded to recommend this report to Cabinet, to share with the heads of Public Realm, Environment and Seafronts and the relevant County Councillor the parts of this document that apply to them. In particular, the comments relating to public realm, street furniture, lines and signs etc.

I am sure Mr Guiver has picked up on the comments re enforcement as has the new Portfolio Holder for Planning, Councillor Bray.

Finally, may I bring once again to the attention of those on both planning committees, whose town and parish councils have not yet agreed to a Neighbourhood Plan and to preparing a list of buildings, not mentioned in the report, to be considered for a 'Local List', to continue to pursue these objectives.

The Queen's Speech highlighted once more this Government's intentions to change the planning system yet again."

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor S A Honeywood.

3. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 11 January 2022 be approved as a correct record and be signed by the Chairman.

4. DECLARATIONS OF INTEREST

Councillors Allen and Turner both declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Frinton & Walton Conservation Area Character Appraisal, they both resided within that Conservation Area and that they were also Members of Frinton & Walton Town Council.

Councillor Chapman BEM declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Brightlingsea Conservation Area Character Appraisal, she resided within that Conservation Area and that she was also a Member of Brightlingsea Town Council. In addition, Councillor Chapman stated that her business premises was specifically mentioned within report A.1.

Councillor Fowler declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Harwich Old Town Conservation Area Character Appraisal, she was a Member of Harwich Town Council.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

6. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, it was reported that no member of the public had registered to ask at this meeting a question or to make a statement regarding the matters contained in the report of the Acting Director (Planning).

7. **REPORT OF ACTING DIRECTOR (PLANNING) - A.1 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS FOR HARWICH OLD TOWN; MANNINGTREE & MISTLEY; FRINTON & WALTON; BRIGHTLINGSEA; AND GREAT BENTLEY**

Earlier on in the meeting:-

Councillors Allen and Turner had both declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Frinton & Walton Conservation Area Character Appraisal, they both resided within that Conservation Area and that they were also Members of Frinton & Walton Town Council;

Councillor Chapman BEM had declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Brightlingsea Conservation Area Character Appraisal, she resided within that Conservation Area and that she was also a Member of Brightlingsea Town Council. In addition, Councillor Chapman had stated that her business premises was specifically mentioned within report A.1; and

Councillor Fowler had declared for the public record that, in relation to Agenda Item 6 (report A.1) and specifically in relation to the Harwich Old Town Conservation Area Character Appraisal, she was a Member of Harwich Town Council.

The Committee gave consideration to a comprehensive report of the Acting Director (Planning) (A.1) which submitted the second five 'Conservation Area Appraisal and Management Plans' prepared for the Council by Essex Place Services, and which sought the Committee's recommendation to Cabinet that they be published for consultation.

The five Conservation Area Appraisals in question were:-

- Harwich Old Town Conservation Area,
- Manningtree and Mistley Conservation Area,
- Frinton and Walton Conservation Area,
- Brightlingsea Conservation Area, and
- Great Bentley Conservation Area.

Areas of Assessment specific to an individual Conservation Area

Harwich Old Town

It was considered that a reduction of this Conservation Area to the north and east in order to exclude areas of sea was necessary in order to conform to Historic England's Advice Note 1 - Conservation Area Appraisal, Designation and Management, whereby the contribution that the sea could make to the setting of a conservation area was highlighted in paragraph 59 therein.

There was a strong visual and historic relationship between Harwich and the sea; it was surrounded by water to the west, north and east, and still functioned as a working dock. Due to this proximity and association, the sea formed an important part of the setting of the Conservation Area. It contributed to an understanding of the development of Harwich, its character, and positively influenced how the public experienced the heritage asset. The contribution this land made to the setting of the Conservation Area would not be diminished through its removal from the boundary.

In addition, a small length of road, which made no contribution to the significance of the Conservation Area at the southern edge of the boundary was also proposed for removal in order to rationalise that boundary.

Manningtree & Mistley

It was proposed that the area north of Long Road, comprising agricultural land and allotments, be excluded from the Conservation Area as that land had little intrinsic historic significance or special interest and was therefore not considered appropriate to be included within the Conservation Area. However, this area did contribute to the setting and significance of the Conservation Area.

Modern development, including Foundry Court west of Colchester Road and Elmdale Drive, was also proposed for removal from the Conservation Area. Mistley Village Hall, which had been built in the 1990s, was also recommended for exclusion. Those areas were felt to lack special architectural or historic interest, and did not enhance the Conservation Area.

Frinton & Walton

The following areas had been recommended for inclusion within the Frinton and Walton Conservation Area boundary:-

- an extension east along the High Street, Walton to include Numbers 123-127 plus a row of three-storey terraced shops along Walton High Street;
- an extension to the east side of Connaught Avenue, Frinton to include the Catholic Church. The Church appeared on the 1922 Ordnance Survey map, labelled as 'Hall'; and
- an extension at the junction of Queens Road and Connaught Avenue, Frinton, to include a small area of public realm. This space provided symmetry to the area of public realm opposite and comprised high quality street furniture and planting, which made a positive contribution to the character and appearance of the area.

It was proposed that the area to the south-west of Frinton Station be slightly reduced, to omit the terrace of modern housing on Witton Wood Road. Those houses were red brick, with functional and simple architectural style, set back from the road behind a generous lawn. They made a neutral contribution to the area and therefore, they did not merit inclusion within the boundary.

Brightlingsea

There were a number of additions suggested: there were areas to the north along Regent Road which had appeared by the Ordnance Survey Map of 1925 and held buildings of architectural merit. Many of those were large villas with notable architectural detailing. Also, along John Street were buildings which appeared on the first edition

Ordnance Survey map, along with the Congregational Chapel (now converted to residential use). This street had retained its historic character and appearance and would make a positive contribution to the Conservation Area. The small row of terraced houses opposite the Methodist Chapel also appeared on early Ordnance Survey maps and made a positive contribution, so were also recommended for inclusion. They had had window and door replacements and porch extensions; however, their inclusion could allow for future enhancement schemes and targeted funding to reinstate features. To the south on Station Road, it was recommended that the boundary be extended to include the Railway Tavern, a former Railway Hotel, which was a likely candidate for local listing and a non-designated heritage asset. The small triangle of green opposite was also recommended for inclusion as it made a positive contribution as green space, and functioned as a gateway to the Conservation Area.

Other areas for inclusion included the area along Colne Road and Tower Street comprised of terraced residential buildings which were similar to those on New Street and Sidney Street. They had been laid out slightly later, as New Street and Sidney Street had appeared on the first edition Ordnance Survey map of 1881. Tower Street, Colne Road and Silcotts Street however had been laid out between 1881 and 1897, and had subsequently appeared on the second edition of the Ordnance Survey map of 1897. Although many of them had had window and door replacements and unsympathetic extensions, those streets were similar in character and condition to New Street and Sidney Street. Therefore, they could be worthy of inclusion within the Conservation Area. This would mean that the majority of the Victorian residential expansion of Brightlingsea had been included within the Conservation Area and would allow for a greater holistic preservation of its character and appearance going forward.

Conversely, some small areas of new development which currently made a neutral or negative contribution due to their architectural style, material, mass or orientation were recommended for exclusion. This included the new development along Chapel Road and Mews, on Brightlingsea Harbour.

Great Bentley

It was proposed that the boundary of the Great Bentley Conservation Area be expanded westward along Thorrington Road in order to include the row of buildings (Nos. 1-8) south of the road, up to Police House. Together those buildings formed a pleasing and uniform group with generous plots on the approach to the village green and centre of Great Bentley. The buildings were of special historic interest and some architectural interest, representing a period of time when social housing had been expanded in response to a national housing crisis post World War 2.

It was also proposed that the boundary be revised to exclude the modern development of Cherrywoods, as those buildings were not considered to be of special architectural or historic interest contributing to the character or appearance of the area or contributing to the significance of the Conservation Area. No other reductions were proposed.

Proposed Non-Designated Heritage Assets

The Committee had before it a schedule for each of the five Conservation Areas that proposed a number of buildings to be included on the Council's Local List. Those buildings had been identified as they were either considered to be good examples of their type or architectural style; were prominent local landmarks; or demonstrated use of

local materials or design features; or were connected to local historical events, activities or people; and were all relatively complete in their survival.

Heritage at Risk

Members were informed that whilst none of the conservation area themselves were at risk there were a number of buildings within a conservation area which were on the statutory list.

There were currently two buildings within the Harwich Conservation Area which were included on the Historic England Heritage at Risk Register:

- The Harwich Treadwheel Crane - this structure had been recorded as declining in its current condition, and as being in 'generally satisfactory condition, but with significant localised problems'. It was believed to be the earliest surviving example of this type of structure in England and had been designated as a Scheduled Monument; and
- The Electric Palace Cinema, King's Quay Street - this building was recorded as being vacant and in a very bad condition, however it was currently undergoing a repair scheme.

Also in Harwich, as a non-designated heritage asset, the old School House had not been included on the national Heritage at Risk Register, however, it appeared to be vacant and in a poor state of repair, at risk of neglect and further deterioration. Number 8 Church Street was also considered to be at risk, as it was a vacant property at risk of further deterioration and loss of historic fabric.

There was one statutory listed building within Frinton and Walton on Historic England's At Risk Register. The Grade II* listed Church of St Michael (list entry: 1111500), which was a late medieval church, restored in the nineteenth century. According to the At Risk register: *"The building suffers from subsidence at the east end of the chancel, resulting in substantial cracks in the walls and at the junction of the chancel roof and the east gable. Structural movement continues, with previously repaired areas cracking again. Monitoring, soil investigation and analysis have been carried out for repair options to be considered by the PCC."*

It was reported that there were no buildings or features which were on Historic England's at-risk register within the Manningtree & Mistley, Brightlingsea or Great Bentley Conservation Areas.

The Committee was made aware that the appraisals had also considered other matters including:-

- (i) Designated Heritage Assets;
- (ii) Archaeology;
- (iii) Assessment of Significance e.g. layout, building materials & boundary treatments; listed buildings & non-designated heritage assets; other buildings; landscaping & open spaces; and views;
- (iv) Opportunities for enhancement;
- (v) Management Proposals e.g. Local Heritage List; bespoke shopfront design guidance; use of enforcement powers; public realm improvements; tree planting; guidance for homeowners & businesses; immersive information; and wayfinding;

- (vi) Funding Opportunities; and
- (vii) Consideration of Article 4 Directions.

Management Proposals

In relation to management proposals a number of specific proposals were put forward.

Mistley

At Mistley, given the parkland's important contribution to the significance of the Conservation Area, its attractive landscape setting and its inherent historical and archaeological value, it was considered that there was an opportunity to improve the interpretation of the landscape shaped by Mistley Old Hall and parkland, Mistley New Hall and Mistley Place Park. Creating a large-scale programme of subtle interpretation, which did not detract from the landscape character, could be beneficial to the long-term interpretation and understanding of both settlements. The Walls were visited by a substantial number of tourists and locals every year and this interpretation, including a signposted walking route, could encourage a greater experience of the parkland landscape and an awareness of its importance.

It was also suggested that enhancements should be considered to create a stronger understanding of Mistley's industrial heritage and the influence of the Rigby family. This would bring about a greater appreciation of the importance of the Quayside and Maltings to the settlement especially for visitors. The maltings industry had been a significant part of Manningtree and Mistley's past but due to the limited remaining buildings it was not immediately evident. Signposted pedestrian and tourist routes throughout the Character Areas within the Conservation Area, or interpretation schemes which promoted key features within the Conservation Area could improve awareness. It would also encourage a more comprehensive understanding of the Conservation Area.

Frinton

Within Frinton tall buildings had been introduced to The Esplanade which were inappropriate in height. Blocks of flats were often over four storeys, with Frinton Court reaching up to twelve storeys. Those buildings were prominent in views along the historic Esplanade and from The Greensward. Frinton Court was also visible from areas of The Avenues as well, particularly from Holland Road, and enclosed the churchyard of the old Church of St Mary's. It was felt important that future development did not exceed an appropriate height of four storeys within the Conservation Area, where buildings were rarely over this height. This would prevent cumulative harm within the area.

Walton and Brightlingsea

Walton had had some modern tall buildings introduced which were between four to five storeys, particularly along the seafront; it was considered that buildings over three to four storeys would be uncharacteristic of the area, resulting in a negative impact to the character and appearance of the Conservation Area. The same was true for Brightlingsea, where it was recommended to keep buildings to two or three storeys.

Separation of Frinton & Walton Conservation Area

It was considered that Frinton and Walton were distinctly separate places with their own identities. It was suggested that the Conservation Area should be divided, in recognition of their respective characters, into separate conservation areas: one for Walton and one for Frinton and the Frinton Park Estate. This division had already been acknowledged in the approach to the 2007 and 2009 management plans and should be considered going forward.

Having considered all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Allen, seconded by Councillor Fairley and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee:

1. notes and welcomes the new Conservation Area Appraisal and Management Plans for Harwich Old Town (Appendix 1), Manningtree and Mistley (Appendix 2), Frinton and Walton (Appendix 3), Brightlingsea (Appendix 4) and, Great Bentley Conservation Area (Appendix 5);
2. recommends to Cabinet that the above documents (forming Appendices 1-5 to item A.1 of the Report of the Acting Director (Planning)) be approved for consultation with the public and other interested parties; and
3. notes that Conservation Area Appraisal and Management Plans for the District's other remaining Conservation Areas will be brought before the Committee in due course over the next 9 months.

The meeting was declared closed at 6.49 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

24 May 2022

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 24TH MAY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Amos, Barry, Codling, Griffiths and Alexander
In Attendance:	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) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted by Councillors Allen (no substitution), Fairley (substituted by Councillor Alexander), Morrison (no substitution) and Scott (no substitution).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Committee held on Monday 14 March 2022 be approved as a correct record.

3. DECLARATIONS OF INTEREST

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

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. SCRUTINY OF PROPOSED DECISIONS

The Head of Democratic Services and Elections informed the Committee that it had the full list and advised that, under Rule 13, Councillors could discuss anything that is in that list. However due notice must be given, 2 working days in advance of the meeting and no notice has been given. It was informed that if any members of the Committee wanted to put forward items for the work programme 2022/23 that this would be the appropriate time in the meeting.

It was suggested by the Committee to add for consideration an item on the alternative options for the future of new build Council owned homes in Jaywick Sands and on the Levelling up fund bids.

It was **RESOLVED** to note the report.

6. RECOMMENDATIONS MONITORING REPORT

The report set out the recommendations from the meetings of the Committee on 14 March 2022 on the Joint use Sports facilities and the response of Cabinet on 25 March 2022 to those recommendations.

The Committee was reminded, by the Head of Democratic Services and Elections that recommendations from earlier meetings had previously been reported to them and had not been repeated in this report.

It was **RESOLVED** to note the report.

7. REVIEW OF THE WORK PROGRAMME

The Head of Democratic Services and Elections informed the Committee that all of the items on the Work Programme for 2021/22 have been complete except for one. The Committee were directed to page 17 of the agenda that stated *“In order to submit a proposed Work Programme for 2022/23 to the Council meeting on 12 July 2022, it is proposed to schedule a special meeting of the Committee in the period 13-24 June to consider the outcome of consultation, timing and approach to different areas for overview and scrutiny enquiries.”*

The Committee was advised that the Leader of the Tendring First Group had requested that the decision made by Portfolio Holder for Environmental and Public Space be brought to the Committee to be scrutinised. However the Leader of that Group was unable to attend this meeting and requested deferral of consideration of the request. The Members of the Committee **RESOLVED** that consideration of this request be deferred to the next meeting.

It was **RESOLVED** to note the report.

8. TASK AND FINISH GROUP - DELIVERING HIGH QUALITY SERVICES/MINIMISE WASTE: MAXIMISE RECYCLING AND PUBLIC SPACES TO BE PROUD OF IN URBAN AND RURAL AREAS

The Committee was advised that the Task and Finish Group on Waste, recycling and littering had met on 16 May 2022 and a report from it would be submitted to the Committee's next meeting.

9. ENQUIRY - CORPORATE INVESTMENT PLAN

Further to the decision of the Cabinet (Minute 137 of 25 February 2022 and Minute 154 of 25 March 2022) this Committee undertook an enquiry into the matter of the Corporate Investment Plan. The Committee had before it a report of the Corporate Finance and Governance Portfolio Holder which provided an introduction of the Corporate Investment Plan (CIP) and its intended function. The Members of the Committee were advised that *‘The Corporate Investment Plan has been under development over the last six months in response to recommendations by the Council’s external auditors and peer reviews. At its meeting on 25 February 2022, Cabinet agreed to implement a Corporate Investment Plan approach to investment and to establish a Corporate Investment Board. Cabinet asked Portfolio Holders to explore with Officers further items for consideration by the proposed first meeting of the Corporate Investment Board in March.’*

There were discussions around the Corporate Investment Board prioritising projects on the Corporate Investment Plan and how this prioritisation took place, the Committee was advised this was done through a scoring mechanism to establish what a priority project was. The Committee were also advised that the membership of the Corporate Investment Board was the Leader and Deputy Leader of the Council, the Chief Executive, Deputy Chief Executive, Assistant Director (Finance & IT) and Interim Corporate Director (Projects Delivery). The Committee was advised that a meeting of the Board had been held and that no minutes had been taken of the meeting. Ultimately, proposals arising from the Board would be reflected in reports to the Cabinet meetings.

The Committee were interested to understand how all projects, including those that had been approved but not implemented prior to the Corporate Investment Plan approach would be incorporated on the in Corporate Investment Plan to ensure there was a complete view on such projects/schemes and the funding associated with them. The Committee were advised that currently the Corporate Investment Plan doesn't currently include all projects. However, it could be adapted to do this.

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

- a. The Corporate Investment Board is minuted and these minutes are circulated to Councillors as a part of supporting transparency in this process;
- b. A mechanism is found to report quarterly on the projects that are funded through the Corporate Investment Plan and delivery of them; and
- c. The report mechanism, mentioned above, should include all (non business as usual) projects for which capital or revenue funded has been allocated.

The meeting was declared closed at 9.15 pm

Chairman

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Planning Policy and Local Plan Committee

31 May 2022

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 31ST MAY, 2022 AT 6.05 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Chapman BEM, Fowler, Nash, M Stephenson and Winfield.
Also Present:	Councillor Jeff Bray (Portfolio Holder for Planning)
In Attendance:	Gary Guiver (Acting Director (Planning)), Anthony Brindley (Agency Planning Officer), Mark Wilson (Development Technician), William Lodge (Communications Manager) and Emma Haward (Leadership Support Officer).

8. **CHAIRMAN'S OPENING REMARKS**

“Good evening to fellow Members, officers, the press, our residents and guests.

Tonight we have three recommendations to make to the Leader, Cabinet, and new Portfolio Holder for Planning, Councillor Jeff Bray.

The first two are for the rejuvenation and safety of Jaywick Sands.

This community has long been a problem for not only themselves, but Tendring and England. It has the unenviable reputation as the most deprived Ward. Yet at the same time, it is one of the most cohesive Communities in Tendring.

People like living there.

What they do not like is the threat of being flooded and the only recourse the EA has is to evacuate the residents.

Evacuation as a sea defence is unacceptable.

At last, after many years of trying, we have some suggestions as how to achieve acceptable 1 in 100-year flood defences.

Before us are the documents and ideas to create the right scheme. With modern housing and facilities, the deprivation levels will recede and with that, opportunities will appear to start the virtuous spiral. The answers may be simple but the processes are complicated and expensive.

As I have always applied to funding: ‘If the scheme is right then the funding will follow. If you cannot fund the funding, the scheme is wrong.’ Simple!

This requires much work and a lot of money!

It has taken many a long year to get to this point. I feel privileged to be able to be part of the creating of new Jaywick Sands.

The second part of our agenda is in regards to a non-statutory response to National Grid's proposal to their suggested options for joining the North Falls and later the Five Estuaries Wind Farms, which lie off the coast, to the main National Grid. Appendix 1 on page 49 is the suggested response from our authority, which must be submitted by Thursday 16th June at the latest".

Gary Guiver addressed the Committee advising the background of Jaywick Sands.

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Bush, with Councillor M E Stephenson substituting. Apologies were also received from Councillor Chittock, with no substitutions.

10. MINUTES OF THE LAST MEETING

Subject to the following amendments to page 6 (Minute 7):-

- The Harwich Treadwheel Crane – to include '**repairs are underway**'.
- The Electric Palace Cinema had '**undergone**' a repair scheme.
- The Grade II listed Church of St Michael, within **Kirby-Le-Soken** on Historic England's At Risk register.

It was **RESOLVED** that, subject to the amendments noted above, the Minutes of the last meeting of the Committee held on 11 May 2022 be approved as a correct record and be signed by the Chairman.

11. DECLARATIONS OF INTEREST

Councillor Fairley declared for the public record that, a personal interest in relation to Agenda Items 8, (report A.3) due to family members owning land affected by the proposal. Councillor Fairley stated that the Monitoring Officer granted a dispensation to participate in the Committee's debate and vote for the following reason:-
'to represent wider interests of the community and residents who are also impacted upon, especially as this is a non-statutory consultation and the role of a 'District Councillor' is to voice the view of the person living in the area'.

Gary Guiver (Acting Director, Planning) confirmed that the dispensation from the Monitoring Officer was granted.

Councillor Nash declared for the public record that, an interest in relation to Agenda Items 6 and 7 (reports A.1 and A.2) due to being a Ward Member.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

13. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, it was reported that no member of the public had

registered to ask at this meeting a question or make a statement regarding the matters contained in the reports of the Acting Director (Planning).

14. REPORT OF ACTING DIRECTOR (PLANNING) - A.1 - JAYWICK SANDS PLACE PLAN: SUPPLEMENTARY PLANNING DOCUMENT

Councillor Nash, had earlier in the meeting, declared for the public record that, an interest in relation to Agenda Items 6 and 7 (reports A.1 and A.2) due to being a Ward Member.

Hana Loftus, HAT Projects gave a presentation to the Committee regarding the regeneration objectives for Jaywick Sands.

The Committee gave consideration to a comprehensive report of the Acting Director (Planning) (A.1) which sought its support for an initial consultation in relation to the Jaywick Sands Place Plan Supplementary Planning Document (SPD) and also submitted for Members' information the Jaywick Sands Interim Report April 2022.

It was reported that the Jaywick Sands Place Plan comprised one of the two key work streams in relation to the regeneration of Jaywick Sands. The aim of the Place Plan, as stated in the Tendring Local Plan, was to: *"provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas."*

In line with the Tendring Local Plan, the Place Plan objectives were to:-

- *Transform housing quality and the built environment;*
- *Ensure long-term flood resilience;*
- *Create greater connectivity to neighbouring areas;*
- *Attract commerce & new economic opportunities; and*
- *Improve people's life chances, access to public services & health & well-being.*

The Place Plan would also allow the Council to present a co-ordinated regeneration strategy, which had been costed and which would form the basis to bid for Government monies and grants.

The Committee was informed that, in the absence of a Place Plan, the present situation of residents living in inadequate private and rented accommodation would continue. The problems were likely to escalate over time, and, given the historical rate of development on Jaywick Sands, the probability was only that a small number of new or replacement dwellings would be constructed. In the scenario of a flood event, the current properties would provide only minimal protection. The level of accommodation was a very significant contributor to Jaywick Sands being listed as the most deprived area in the country and this would likely continue. Overall, the absence of a Place Plan would mean that development and regeneration in Jaywick Sands would occur on a piecemeal basis or not happen at all, with the Council only having a limited ability to seek funding for regeneration projects.

Members were reminded that HAT Projects (with Igloo Regeneration) had been commissioned to undertake this work.

Consultation

Members were advised that the initial consultation stage would inform the production of the draft Place Plan which would contain a proposed regeneration strategy for Jaywick Sands. The purpose of the consultation was to inform this process and the aims of the consultation were to achieve the following:-

- *centering the community in the process – ensuring that the commitment to developing the regeneration strategy through genuine community collaboration is carried through;*
- *better informed local community about key issues, with a realistic understanding of the options, scenarios and risks;*
- *insight into local community priorities– building and updating the evidence base for developing the Place Plan, understanding what incentives, risks and mitigation might be successful from a community perspective (user research); and*
- *building trust with the community and celebrating successes already achieved.”*

Officers felt that the key messages of the consultation would include that:-

- *real progress was already being made on the ground with projects that had already been implemented or were currently in delivery, led both by TDC and others – celebrating success.*
- *this was the next step in developing broader plans for improving Jaywick Sands for the benefit of the whole community. There would be many more steps in the process.*
- *the Flood risk was real and increasing all the time and that this would affect the most vulnerable residents the most. The risk to the community was increased by the poor quality of many of the homes in Jaywick Sands, so improving both the housing and flood safety needed to go hand in hand.*
- *relocation of the community and Compulsory Purchase Order/comprehensive redevelopment were not being considered at the present, as this Council believed that this was not what the community wanted to see.*
- *doing nothing was not an option – whilst change would take a long time and had many challenges, the issues that Jaywick Sands faced were serious and must be tackled.*

The Committee was informed that the consultation channels would include:-

In person engagement:

- *attendance at meetings of the Jaywick Community Forum, the Jaywick Sands Coastal Community Forum and the Jaywick Sands Revival CIC.*
- *attendance at the Jaywick Networking Group meeting (to be held at the Community Resource Centre) – this brought together groups and service providers.*
- *drop-in morning/day at Inclusion Ventures.*
- *drop-in morning/day at Martello Tower.*
- *an event with Frobisher Academy Primary School – for children, parents and teachers (e.g. special assembly or an after school drop-in).*
- *offers to attend other events organised by local groups.*

Digital engagement

- online presentation and survey with short explainer videos.
- Webinar(s).

Publicity

The consultation would be publicised in the following ways:-

- *printed flyer distributed to all addresses in Jaywick Sands.*
- *digital and social media communications and advertising.*
- *posters distributed to local shops and venues.*
- *advertisements at Green Elms Surgery (rolling digital display screens).*
- *a briefing of Essex Police.*
- *a briefing of TDC Ambassadors.*
- *dissemination of information through the Jaywick Networking Group (Teresa Enys).*
- *engagement with faith groups.*

Members were advised that those consultation events were timetabled for September 2022. The indicative detailed questionnaire was shown in Appendix 1 to the Officer's report.

Supporting Report – Jaywick Sands Place Plan: Interim Report

It was reported that the interim report supported the first phase of public consultation on the Place Plan, as commissioned by Tendring District Council. The report outlined the strategic, physical and social context for the Place Plan and the work to date to develop potential strategies for Jaywick's renewal. It did not yet present a final proposition as this had to be guided by the feedback obtained through the consultation with the local community and stakeholders. The final framework was also dependent on the Environment Agency's ongoing work to review flood defences along the Jaywick and West Clacton coastline. The report had been produced by HAT Projects with input from Igloo Regeneration.

The sections of that interim report that were the most relevant for the Committee's consideration had been highlighted within the Acting Director's report.

Having considered all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Chapman, seconded by Councillor Nash and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee:

1. notes and welcomes the Consultation Strategy (Appendix 1) and Jaywick Sands Place Plan Interim Report April 2022 (Appendix 2); and
2. recommends to Cabinet that an initial consultation be undertaken to inform the production of the Jaywick Sands Place Plan in line with the Consultation Strategy (Appendix 1).

15. REPORT OF ACTING DIRECTOR (PLANNING) - A.2 - JAYWICK SANDS DESIGN GUIDE: SUPPLEMENTARY PLANNING DOCUMENT

Earlier in the meeting, Councillor Nash declared for the public record that, an interest in relation to Agenda Items 6 and 7 (reports A.1 and A.2) due to being a Ward Member.

Hana Loftus, HAT Projects gave a further presentation to the Committee regarding the Place Plan and SPD for Jaywick Sands.

The Committee gave its consideration to a comprehensive report of the Acting Director (Planning) (A.2) which sought its comments on the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022 and which also requested the Committee's approval to recommend to Cabinet that it approved a statutory consultation on that document.

It was reported that the Jaywick Sands Design Guide SPD comprised one of the key work streams in relation to the regeneration of Jaywick Sands and aimed to guide the development of new and replacement dwellings within the existing residential areas of Brooklands, Grasslands and the Village. This Design Guide SPD would be a useful tool for:-

- *Planning officers in determining planning applications and pre-application submissions;*
- *Property owners and developers, and their design and planning consultants, in producing proposals for their sites; and*
- *Stakeholder and community members when commenting on planning applications or early stage proposals.*

Members were aware that much of the site, including existing residential development, was within an area at a high risk of flooding. Public safety was the highest priority and the Council had worked, in particular with the Environment Agency, to identify a strategy to safeguard and improve public safety as well as achieve wider regeneration benefits for the community. It was accepted by all concerned that regeneration of the area presented an opportunity to also improve the safety of existing residents. The agreed approach was to allow new development, including new dwellings, in the area and to manage risk from flooding through bespoke building design rather than by resisting development as a standard sequential test would do. This approach to the sequential and exception test was outlined in a background document to the report entitled "Jaywick Sands – Approach to betterment, sequential and exception test - Technical Guidance April 2022".

The current absence of a design guide meant that proposals were submitted which did not meet the required standards of safety and amenity and had resulted in protracted negotiations with the Council, thereby delaying development within Jaywick Sands. Clear guidance would help the applicant, the community and the Council to facilitate regeneration, which benefited the community as a whole.

Having considered all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Fowler, seconded by Councillor Fairley and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee:

3. notes and welcomes the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022; and
4. recommends to Cabinet that the above document (forming Appendix 1) be approved for consultation with the public and other interested parties.

16. REPORT OF THE ACTING DIRECTOR (PLANNING) - A.3 - EAST ANGLIA GREEN: NON-STATUTORY CONSULTATION

Earlier on in the meeting Councillor Fairley declared for the public record that, a personal interest in relation to Agenda Items 8, (report A.3) due to family members owning land affected by the proposal. Councillor Fairley stated that the Monitoring Officer granted a dispensation to participate in the Committee's debate and vote for the following reason:-

'to represent wider interests of the community and residents who are also impacted upon, especially as this is a non-statutory consultation and the role of a 'District Councillor' is to voice the view of the person living in the area'.

Gary Guiver (Acting Director, Planning) addressed the Committee with details of the East Anglian Green consultation and proposals.

The Committee gave consideration to a comprehensive report of the Acting Director (Planning) (A.3) which its comments on initial proposals from the National Grid for the 'East Anglia Green' 400kV and on a draft response from Tendring District Council to the current non-statutory consultation exercise.

It was reported that, in order to help achieve the Government's ambition to achieve net zero carbon by 2050 and to ensure that the power network had the capacity to accommodate a projected increase in demand for electricity generated from renewable means, National Grid was proposing the 'East Anglia Green' project. This involved:

- *A new 400kV powerline between Norwich and Bramford (near Ipswich);*
- *A new 400kV powerline between Bramford and Tilbury; and*
- *A new 400kV substation in the Tendring area to facilitate the connection to the proposed North Falls Offshore Windfarm and Five Estuaries Offshore Windfarm – both of which were to be located off the Tendring coast.*

The Committee was informed that, as a Nationally Significant Infrastructure Project (NSIP), the planning process would be overseen by central Government and a specialist unit within the Planning Inspectorate. National Grid would be seeking a 'Development Consent Order' (DCO) from the Government, as opposed to planning permission from the local authority however, local authorities like Tendring District Council would be consultees in the process.

Members were made aware that this project was currently at a non-statutory pre-application stage whereby National Grid was inviting comments on its initial proposals. Its intention was to proceed to a statutory consultation in 2023, to be followed by the

submission of the DCO application in 2024, an examination and decision process over the course of 2024 to 2026, construction between 2027 and 2030 and connection/operation from 2030/31 onwards.

It was reported that the current eight week non-statutory consultation had commenced on 21st April 2022 and would close on 16th June 2022. National Grid had put in place a programme of briefing sessions for stakeholders, communities and other interested parties, many of which had already taken place.

In anticipation that the North Falls and Five Estuaries Offshore Windfarms (which would be the subject of their own DCO process in due course) would connect to the grid in Tendring (between Holland Haven and Frinton-on-Sea), it was proposed that there would be a large electricity substation in the Tendring District. This would enable connection of the windfarms to the new 400kV Norwich to Tilbury powerline.

The Committee was advised that the preferred location of the substation was on land close to the existing 132kV substation south of Lawford and west of Little Bromley and that the land-take would be around 20hectares (taking into account the need for landscaping). It was also anticipated that two additional 132kV 'customer' substations serving each of the two separate windfarms could be located in and around the same area.

Members were made aware that the preferred route for the 400kV powerline would enter the District of Tendring to the substation to the north of Ardleigh, coming in from the north through the Dedham Vale Area of Outstanding Natural Beauty (AONB) and out to the south around the north of Colchester. Apart from the section that would pass through the Dedham Vale AONB, which was planned to be provided underground in order to minimise its landscape impact, the remainder of the powerline was intended to be suspended from pylons.

It was reported that Essex County Council was working on behalf of all the affected local authorities to coordinate a technical response to each stage of the DCO project. However, Tendring District Council (TDC) could provide its own response from a community perspective. Therefore, informed by initial feedback from communities and informal discussion with TDC Members, TDC Officers had prepared a draft response to the non-statutory consultation on which comments were invited from this Committee. Once approved by the Leader of the Council and the Planning Portfolio Holder, it was intended that a final version of the response would be submitted to National Grid before the consultation period closed on 16th June 2022.

Having considered all of the information and advice contained in the Officer report and its appendix, including the proposed response:-

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

RESOLVED that the Planning Policy and Local Plan Committee:

- (a) notes and welcomes the draft response to the non-statutory consultation on the East Anglia Green project outlined in Appendix 1; and

- (b) notes that, with the approval of the Leader of the Council and the Planning Portfolio Holder, a final version of the response will be submitted to National Grid before the consultation period closes on 16th June 2022.

In addition to the above recommendations, the Committee agreed to submit the following comments:

- Reinforces strong community anxiety about the development and its significant impact on affected communities.
- Question if the proposal is genuinely 'green' and if the carbon footprint of the development is offset by the energy generated by offshore wind farms.
- Misleading naming, imagery and terminology within the proposals.
- High impact on the farming, requires further consideration and engagement with the farming community.
- Training engineers for delivery would be time-critical if development is to commence in 2027.
- There is general support for the alternative concept of a 'ring-main' extending around the coast on or below the sea bed.
- Pylons would be susceptible to changes in weather patterns and heat and are a 100-year old technology that is outdated.

The meeting was declared closed at 7.46 pm

Chairman

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COUNCIL

12 JULY 2022

REPORT OF CHIEF EXECUTIVE

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

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to me, the following appointments have been duly made since the Annual Meeting of the Council, namely:-

Audit Committee

Councillor Fairley has been appointed to serve in place of Councillor Nash.

Human Resources & Council Tax Committee

Councillor S A Honeywood has been appointed to serve in place of Councillor Chittock.

Planning Committee

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

Planning Policy & Local Plan Committee

Councillor Chittock has been appointed to serve in place of Councillor S A Honeywood.

Resources and Services Overview & Scrutiny Committee

Councillor Skeels has been appointed to serve in place of Councillor Fairley.

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

12 JULY 2022

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

A.3 CHANGES IN MEMBERSHIP OF COMMITTEES

Formal appointments dated 10 and 25 May 2022.

Questions pursuant to Council Procedure 11.2

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

Question One

From Councillor Alan Coley to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:

“This Council has made a firm commitment to reducing carbon emissions and thereby reducing Greenhouse Gases and improving Air Quality in our District.

I am sure, we all welcome the return of TDC supported events such as the Car Rally, the Airshow, and the Tendring Show etc.

So that the Council cannot be accused of conspiracy in ‘Greenwashing’, can the Portfolio Holder provide details of what meaningful Carbon Off-Set mitigations the Organisers and Service Suppliers of these events have committed to, and in particular, where those offsets will be found?”

Question Two

From Councillor Ivan Henderson to Councillor Neil Stock OBE, Leader of the Council:

“In the Leader of the Council’s Budget speech he confirmed that his administration was adopting a policy of voting against all budget amendments but that any such amendments would then be considered through the new Corporate Investment Plan.

One such amendment, tabled by me on behalf of the Labour Group, sought to utilise £144,000 of the existing Tendring Community Fund to allow each Member to make available £3,000 of support funding to local charities and organisations assisting vulnerable residents through the cost of living crisis.

The Leader instructed his administration to vote down this much needed amendment that would offer vital, targeted support to those experiencing genuine hardship within our District. Will he please inform Members as to when he is going to make good on his promise to bring this budget amendment before the board overseeing the Capital Investment Plan?”

Question Three

From Councillor Mick Barry to Councillor Neil Stock OBE, Leader of the Council:

“At a meeting of full Council on 15th February 2022 I proposed an amendment to the underlying base budgets for 2022/23 calling for re-instatement of the budgets for Brightlingsea and Harwich Sports Centres which had been withdrawn.

The amendment was lost and the Leader, in speaking against the amendment, said: ‘We have not taken a decision to close any sports facilities.’ He went on to say that he was ‘happy to guarantee as Leader that these facilities will stay open.’

The reality is that in Brightlingsea the Sports Centre has now got very limited opening times with early weekday closures and no weekend opening. Community access has shrunk from nearly 70 hrs per week to less than 15 and the expectation is that it will be fully closed during the six weeks school holiday.

Does the Leader feel that his guarantee given in February has been kept in respect of the sports facilities at Brightlingsea?”

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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