



# RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

<b>DATE:</b>	<b>Tuesday, 15 November 2022</b>
<b>TIME:</b>	<b>7.30 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor M Stephenson (Chairman)**  
**Councillor Scott (Vice-Chairman)**  
**Councillor Allen**  
**Councillor Amos**  
**Councillor Barry**

**Councillor Codling**  
**Councillor Griffiths**  
**Councillor Morrison**  
**Councillor Skeels**

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DATE OF PUBLICATION: Monday, 7 November 2022

## AGENDA

### **1 Apologies for Absence and Substitutions**

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

### **2 Minutes of the Last Meeting (Pages 1 - 6)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Monday 17 October 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 Questions on Notice pursuant to Council Procedure Rule 38**

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

### **5 Report of Head of Democratic Services and Elections - A.1 - Work Programming Including Monitoring of Previous Recommendations and Summary of the Forthcoming Decisions. (Pages 7 - 34)**

The report provides the Committee with an update on its approved Work Programme for 2022/23 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respect of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Resources and Services Overview and Scrutiny Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 9.30 am on Wednesday, 11 January 2023.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

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

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW  
AND SCRUTINY COMMITTEE,  
HELD ON MONDAY, 17TH OCTOBER, 2022 AT 7.30 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors M Stephenson (Chairman), Allen, Amos, Codling, Griffiths, Morrison and Skeels
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Damian Williams (Corporate Director (Operations and Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Barry (with no substitution).

**2. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Committee held on Tuesday 9 September 2022 be approved as a correct record.

**3. DECLARATIONS OF INTEREST**

Declarations of Interest were received from Councillor Amos, in relation to Item 6 A.2 - Scrutiny of the Decision to Give Consent for an Event by Frinton Summer Theatre, as he worked in a shop on Connaught Avenue and from Councillor Allen, in relation to Item 6, A.2 - Scrutiny of the Decision to Give Consent for an Event by Frinton Summer Theatre, as he was a ward and town Councillor for Frinton.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**5. REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.1 - WORK PROGRAMMING-INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF THE FORTHCOMING DECISIONS.**

The Head of Democratic Services and Elections provided the Committee with an update on its approved Work Programme for 2022/23 (it included progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which notice had been given since publication of the agenda for the Committee's last meeting.

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At the Committee's meeting on 30 June 2022 (Minute 14 refers) the Committee submitted recommendations to the Cabinet Meeting on 15 July 2022 (Minute 37 refers). The Portfolio Holder for Environment and Public Spaces comments were as follows:

*“Colleagues, this report from the Resources and Services Overview & Scrutiny Committee is far too good to just note as it is bursting with intelligent ideas. I want the chance for each to be examined in detail and properly costed, with a view to trying to encompass the report's ideas. Damian Williams organised a meeting for me yesterday with Andy White and Jonathan Hamlet present. I said that only having received the report a week ago, this was not enough time to present a considered answer at this Cabinet meeting, but that I wanted a detailed answer to be prepared with costs included for the next Cabinet meeting.”*

The Portfolio Holder of the Environment and Public Spaces, who was in attendance, thanked the Committee for its great work on Waste and Recycling and that there would be a full report produced to the next Cabinet meeting on 4 November 2022, to address the Committees recommendations.

The Committee **noted** the contents report.

**6. REPORT OF THE ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM) - A.2 -  
SCRUTINY OF THE DECISION TO GIVE CONSENT FOR AN EVENT BY FRINTON  
SUMMER THEATRE**

The Assistant Director of Building and Public Realm submitted a report to support the enquiry. It attached the full decision, the supporting report prepared by Officers for the Portfolio Holder, the revised application for the use of the Greensward submitted by Frinton Summer Theatre and representations received and considered by the Portfolio Holder on the proposed use.

The Members of the Committee were advised that:

The Council was the freehold owner of The Greensward at Frinton. That Frinton Summer Theatre, Registered Charity No: 1170429, applied to erect a tent on the Greensward in order to put on a main summer production, a secondary production and community outreach activities. An initial application from the Theatre had been refused by Officers and the detail provided by the Theatre was limited at that stage. Ward Councillors had been consulted on the proposal. The applicant then submitted a revised application with greater detail. Officers had the delegation to make a decision on the revised application. However, in consultation with the Portfolio Holder, he agreed to make the decision.

Consultation with the Ward Councillors indicated that they remained opposed to the revised application. The evidence in the report to the Committee, and as outlined orally by the Portfolio Holder during the meeting, indicated that there were a number of Town Councillors and businesses in Frinton who were in support of the revised application. So were relevant Portfolio Holders at Essex County Council and the Leisure Portfolio Holder at the District Council.

The Portfolio Holder outlined the extent to which he considered matters around the revised application and determined that the use of the Greensward was appropriate in this case. The decision is set out above.

Upon payment of all charges by the Theatre Company, there would be no residual cost to this Council arising from the authorised use of the Greensward by the Theatre Company as a consequence of the decision by the Portfolio Holder.

The Committee was also made aware that there was no policy in place that managed the authorisation of usage of the District Council's public spaces for events.

The Portfolio Holder assisted the Committee with its enquiry and answered an extensive range of questions from the Committee's Members. During the discussion, the Committee's Chairman, and a number of other Councillors indicated that the evidence presented indicated that the Portfolio Holder had considered relevant facts and the decision reached appeared to be appropriate.

After an in-depth discussion it was **RECOMMENDED** that Cabinet:

1. Notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and
2. gives serious consideration to any future requests of proposed events, which are to be held on the Frinton Greensward, as this event has had as serious and detrimental effect to Frinton's residents, its infrastructure, and its businesses.

[Note: (a) above was approved unanimously and (b) above was approved by 2 votes for, 0 votes against and with 6 abstentions]

#### **7. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - FINANCIAL OUTTURN 2021/22**

The Committee was provided with a report from the Assistant Director of Finance and IT that gave an overview of the Council's financial outturn for the year 2021/22 and the allocation of the associated General Fund Variance for the year.

Members heard that on 15 July 2022 Cabinet considered the Financial Outturn 2021/22 and it was resolved that Cabinet:

- (a) *notes the financial outturn position for 2021/22, as set out in the Portfolio Holder's report and its appendices;*
- (b) *approves the financing of General Fund capital expenditure for 2021/22, as detailed in Appendix D to the Portfolio Holder's report;*
- (c) *approves the movement in uncommitted and earmarked General Fund reserves for 2021/22, as set out in Appendix E to the Portfolio Holder's report;*

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- (d) *notes the requested carry forwards totalling £17.890m (£12.948m Revenue, COVID Funding £1.077m (net) and £3.865m Capital), as was set out in Appendix K to the Portfolio Holder's report;*
  - (e) *authorises the Section 151 Officer, in consultation with the Portfolio Holder for Corporate Finance and Governance, to approve the carry forwards with the outcome to be reported to Cabinet in September 2022;*
  - (f) *in respect of the HRA, approves the movement on HRA balances for 2021/22 including any commitments set out within Appendices H and/or I to the Portfolio Holder's report, along with recharges to the HRA from the General fund of £2.543m for the year and the financing of the HRA capital expenditure set out in Appendix I to the Portfolio Holder's report;*
  - (g) *approves the use of £0.050m from HRA General Balances to meet the cost of additional improvements to the Council's Housing Repairs and Maintenance system in 2022/23;*
  - (h) *notes the various COVID 19 grant funding amounts set out in Appendix K (ii) to the Portfolio Holder's report and approves the use of the funding as set out in that same Appendix and main body of the report and authorises the Portfolio Holder for Corporate Finance and Governance to agree further allocations from this funding where it supports the on-going recovery from the COVID19 pandemic;*
  - (i) *approves the overall General Fund Outturn Variance for the year of £0.252m being transferred to the existing contingency budget for further consideration as part of the updated Financial Forecast and Quarter 1 position for 2022/23 that will be presented to Cabinet in September 2022;*
  - (j) *approves the use of £0.900m from the funding received from Local Health Partners to deliver the improvements set out in the Portfolio Holder's report, and authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Housing, to implement the associated schemes and projects;*
  - (k) *approves an additional exemption from procurement rules to regularise the additional cost of £0.033m to deliver the Octopus Ahoy sculpture trail in 2021/22;*
  - (l) *delegates approval of the identification of the necessary additional funding to support the delivery of the new artificial pitch at Clacton Leisure Centre to the Portfolio Holder for Corporate Finance and Governance; and*
  - (m) *authorises the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2021/22 along with any corresponding adjustment to earmarked reserves as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2021/22 accounts.*

The Committee expressed its gratitude to the Finance team and recognised their hard work in these uncertain times.

After some discussion the Committee **NOTED** the contents of the report.

The meeting was declared closed at 9.15 pm

**Chairman**

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## RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

15 NOVEMBER 2022

### REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

#### A.1 WORK PROGRAMMING – INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING DECISIONS

(Report prepared by Keith Durran)

##### PURPOSE OF THE REPORT

The report provides the Committee with an update on its approved Work Programme for 2022/23 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

##### INVITEES

Councillor Andy Baker (Chairman of the Planning Enforcement Task and Finish group)

Councillor Paul Clifton (Chairman of the Cyber Security Task and Finish group)

##### BACKGROUND

The Council commissioned the Centre for Governance and Scrutiny (CfGS) to undertake an 'Overview & Scrutiny Development Review' in 2021 as a way of further improving that function at the Council. Two relevant recommendations arising from that review were:

***“Further strengthening the annual process for developing work programmes for each O&S committee - Engaging Members, Officers, partners and the public to prioritise the topics for review. This could include a selection criteria to identify appropriate topics for the work programme. Currently the work programme is also the last item on the agenda at O&S meetings, we would recommend bringing it to the beginning, so it can be given greater priority and benefit from more considered discussion, rather than being subject to the inevitable end of meeting fatigue.***

***Reviewing how the recommendations are made and how impact is measured – This could include putting the 'recommendations monitoring report' at the beginning of agendas to orientate O&S towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Cabinet (or partners) as improvement or challenge proposals.***

The Committee has previously received three separate reports on the issues of (1) Work Programme for 2022/23 (including progress with enquiries set out in its Work Programme), (2) feedback to the Committee on the decisions in respect of previous recommendations

from the Committee in respects of enquiries undertaken and (3) a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

While (since the CfGS recommendations were made) the three reports referred to have been earlier in the Committee's agendas for meetings, the combination of them into one report seeks to further re-inforce the inter-relationship of the matters previously covered separately. As such, it is designed to further support consideration of work programming of the Committee and contribute to addressing progress with the Corporate Plan.

## DETAILED INFORMATION

The detailed matters relating to the following matters are set out in the Appendix identified:

- (1) Work Programme for 2022/23 (including progress into the enquiries as set out in its Work Programme, with an oral update from the Chairmen of the Task and Finish groups) – See Appendix A;
- (2) feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken – see Appendix B; and
- (3) a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting – See Appendix C.

In considering work programming matters, the Committee is further reminded of the other recommendations from the CfGS review undertaken in 2021:

***“Considering greater use of task and finish groups – This more informal type of O&S can allow improved cross-party working and detailed investigation of a single issue focussed on producing substantive recommendations.***

***Improved agenda planning and management - Committees should focus on one or two substantive items per agenda to allow for cross-cutting themes to be properly identified and explored, and different insights brought to bear on critical issues.***

***Considering how to engage the public in the work of O&S - This could include O&S going on more site visits in the community, inviting the public to offer ideas for work programmes, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.***

***A clearer focus on democratic accountability - Scrutiny of Cabinet Members should form a key part of the work programme, providing an opportunity to hold the Leader and portfolio holders to account for delivery of the corporate plan and any other issues O&S feel is important.”***

## RECOMMENDATION

**That the Committee:**

- (a) Considers and notes the progress with enquiries set out in its Work Programme, feedback to the Committee on the decisions in respect of previous recommendations and the list of forthcoming decisions; and**
- (b) Determines whether any addition to, amendment of or rescheduling of Work Programme matters are required or other actions should be approved based on the content of this report.**

**RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE  
FOR ENQUIRIES TO BE UNDERTAKEN IN 2022/23**

**Work Programme**

[Detailed Work Programme for 2022/23 outlining the progress made and otherwise planned for enquiries set out in the Work Programme. The report also details an update of the Task and Finish groups appointed by the Resources and Services Overview and Scrutiny Committees.]

As of that date of publication of this agenda 3 out of the 4 Task and Finish groups (T&Fg) have started.

- Beach Hut T&Fg has completed 5 meetings, they have met with Beach Hut Association Representatives, received written submissions from District Councillors, had a meeting the Portfolio Holder for Leisure and Tourism and completed a site visit.
- Customer Service T&Fg has had 3 meetings, specifically around that contact centre and IT as well as a site visit to Pier Avenue.
- Planning Enforcement T&Fg has had 2 meetings
- Cyber Security T&Fg had 1 meeting.

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Scrutiny of the Council's proposals to review the Beach Hut Strategy	Commenced 21 September 2022	Delivering High Quality Services (Public Spaces to be Proud of)	A copy of the 2013 Beach Hut Strategy and the proposals for the review, which will be subject to consultation with stakeholders.	Portfolio Holder for Leisure and Tourism  Interim Corporate Director - Projects Delivery  Assistant Director, Economic Growth and Leisure	To feed the committees views into the review of the Beach Hut Strategy, prior to consideration by Cabinet.

<p><b>Planning Enforcement – Review of current powers, policies, procedures, data on the use of current enforcement powers, effectiveness of approach and assessment of how cases should be prioritised.</b></p>	<p><b>Commenced 3 October 2022</b></p>	<p><b>Delivery of High Quality Services</b></p>	<p><b>Current Planning Enforcement Policy. Casework examples (i.e. priority and non-priority cases)</b></p>	<p><b>Portfolio Holder for Planning,</b> <b>Chairman of the Planning Committee,</b> <b>Director of Planning,</b> <b>Assistant Director of Planning</b></p>	<p><b>To ensure that the Planning Enforcement Service efficiently prioritises enforcement cases ensuring timely closure of casework.</b></p>
<p><b>Cyber Security for the Council. Looking at the threats, our approach to those threats and the future vulnerabilities. There was agreement that this might be a good subject for scrutiny.</b></p>	<p><b>Commencing Summer 2022</b></p>	<p><b>Strong Finance &amp; Governance</b></p>	<p><b>1. Copy of All Member Cybersecurity Briefing Presentation 23/02/22.</b> <b>2. Cyber incident log examples explained.</b></p>	<p><b>Deputy Leader, Portfolio Holder for Corporate Finance and Governance,</b> <b>Head of IT &amp; Resilience,</b> <b>Cybersecurity &amp; Systems Manager</b></p>	<p><b>To challenge/ better understand the cybersecurity risks, defences and mitigations the council has in place.</b></p>
<p><b>Council procurement and Contract Management – using potential exemplars from:</b> <b>-The housing maintenance contact</b></p>	<p><b>17 October 2022</b></p>	<p><b>Delivery of High Quality Services</b>  <b>Effective and positive Governance</b></p>	<p><b>The Procurement Strategy</b>  <b>Confirmation of procurement and contract management requirements</b></p>	<p><b>Management Team</b></p>	<p><b>To ensure that procurement and contract management at the Council is functioning as it</b></p>

<p>awarded to Rapid, its delivery of work and the management of it.                  - The management of the previous cremator maintenance contract, the need to stop the use of those cremators and the process for securing replacement cremators given the sensitivity around this service and the budgetary implications for the Council while these cremators are out of action.                  - The Leisure Centre Investment – specifications, securing contractors and delivery of those works and maintenance of the equipment at the Centres.</p>			<p>Details of the procurements in the exemplars</p> <p>Details of the contract management in the exemplars</p> <p>Details of measures to improve procurement and contract management at the Council</p> <p>Procurement Project Pipe Line for programming future projects</p>		<p>should and is fit for purpose.</p>
<p><b>Customer Service</b>                   Particularly face to face, telephone and email contact across</p>	<p><b>Commenced 30 September 2022</b></p>	<p><b>Delivery of High Quality Services</b></p>	<p><b>Customer Service Commitments</b>   <b>Visitor and Call statistics</b></p>	<p><b>Relevant Portfolio Holders</b>   <b>Relevant Directors</b></p>	<p><b>To provide an opportunity to assess the level of customer service provided against</b></p>

a range of services including Council Tax, Waste-Recycling and Leisure			Complaint handling Ombudsman focus report on equal access		policies and provide recommendations around both of these matters. In addition to ensure reasonable adjustments are in place to reflect the needs of those with disabilities.
<p>Waste, recycling and litter beyond 2026.</p> <p>To consider how best to balance the expectations of residents, cost and service provision.</p>	Spring 2023	Delivery of High Quality Services	<p>The Specification for the current contracts to 2026.</p> <p>The key milestones in the development of specification for the service provision beyond 2026.</p> <p>The budget income, recycling credits and expenditure over the most recent five years.</p> <p>Relevant comparator data for waste, recycling and litter over time and in other comparator councils.</p>	<p>Relevant Portfolio Holders</p> <p>Relevant Directors</p>	To identify what a high quality waste, recycling and litter should look like for Tendring District beyond 2026.
Carbon Neutral by 2030. The assessment of	Off-Agenda Briefing	Delivering High Quality Services/	To be scoped by the Committee in August 2022	Not applicable	To ascertain progress against the Action Plan

<p>measures to progress towards the policy unanimously agreed by Full Council and adopted into the Council's Policy Framework. How will these carbon reduction measures affect the Council and its r partners financially (and is there a consequence for job numbers/skills of the individual measures)?</p>	<p>Paper in the Autumn</p>	<p>A7 - Carbon Neutral by 2030</p>			<p>2020-2023 prior to the end of the period of the Action Plan and inform a process of informing the development of the Action Plan for the next period towards the 2030 net zero policy objective.</p>
<b>COMPLETED ITEMS</b>					
<p>Post decision scrutiny of the decision of the Portfolio Holder for Environment &amp; Public Space (as follows):</p> <p>(a) To give consent for the use of the section of Frinton Greensward identified between 14 August 2022 and 5 September 2022 by the Frinton Summer Theatre subject to</p>	<p>17 October 2022</p> <p><b>DONE</b></p>	<p>Not specified</p>	<p>A link to the decision on the Council's website is here:</p> <p><a href="#">Decision - Frinton Summer Theatre - Application for Consent to use Frinton Greensward (tendringdc.gov.uk)</a></p> <p>In addition to the decision itself, the objections received to the application are available at the same link; together with the</p>	<p>Portfolio Holder for Environment and Public Space</p> <p>Assistant Director – Building and Public Realm</p>	<p>To review the consultation with all the parties that will be affected by the decision along with the Councillors whose wards will be affected.</p> <p>To determine the residual cost falling on the Council in respect of additional demand for public lavatories, additional parking,</p>

<p>any necessary licences being obtained and conditions being adhered to; and                  (b) That the details of any consents given make it clear that consent is given for this event only and that future events will be evaluated on their merits at the time.</p> <p>The decision followed an application from Frinton Summer Theatre to provide a tented theatre for the production of plays for four weeks on the Greensward at Frinton-on-Sea in the summer of 2022.</p> <p>The request from the Leader of the Tendring First Group is that the decision made by Portfolio Holder be brought to the Committee to be scrutinised as he</p>			<p>report of the Assistant Director – Building and Public Realm who advised the Portfolio Holder on the application.</p> <p>The report considered by the Portfolio Holder prior to the decision to authorise the use of the Greensward references issues raised in the consultation undertaken in respect of concerns about residual costs falling on the Council in respect of additional demand for public lavatories, additional parking, remedial work on the Greensward following the end of the Summer Theatre’s use of it.</p>		<p>remedial work on the Greensward following the end of the Summer Theatre’s use of it.</p>
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<b>believes it was made without a full and thorough consultation with all the parties that will be affected by the decision along with the Councillors whose wards will be affected.</b>					
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In addition, there will be scrutiny for the 2022/23 Budget proposals and this work is scheduled for 4 and 11 January 20

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## A.1 APPENDIX B

### Resources and Services Overview and Scrutiny Committee 15 November 2022

#### RECOMMENDATIONS MONITORING REPORT (Prepared by Keith Durran)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<p><b><u>This Committee's meeting on 17 October 2022 (Minute 6 refers)</u></b></p> <p><b><u>FRINTON SUMMER THEATRE</u></b></p> <p><b><u>ENQUIRY RECOMMENDED:</u></b></p> <p><i>That Cabinet</i></p> <p>(a) <i>Notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and</i></p> <p>(b) <i>gives serious consideration to any future requests of proposed events, which are to be held on the Frinton Greensward, as this event has had as serious and detrimental effect to Frinton's residents, its infrastructure, and its businesses.</i></p>	<p><b><u>The Recommendation was submitted to the Cabinet Meeting on 4 November 2022 (Minute 68 refers) and the Portfolio Holder's Comments were as follows:</u></b></p> <p><i>In response thereto, the Environment and Public Space Portfolio Holder had submitted the following:-</i></p> <p><i>"I ask that the enquiry by the Resources and Services Overview and Scrutiny Committee into my decision be welcomed. Having considered the outcome of that enquiry by the Committee, I ask Cabinet to:</i></p> <p>(a) <i>note that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and</i></p> <p>(b) <i>record that consideration to any future requests for proposed events which are to be held on the Frinton Greensward will be given."</i></p> <p><i>Having duly considered the recommendations submitted by the Resources and Services</i></p>	

## A.1 APPENDIX B

	<p><i>Overview &amp; Scrutiny Committee together with the Environment &amp; Public Space Portfolio Holder's response thereto:-</i></p> <p><i>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</i></p> <p><b><i>RESOLVED</i></b> <i>that the recommendations made by the Resources and Services Overview &amp; Scrutiny Committee be noted and that the response of the Environment and Public Space Portfolio Holder thereto be endorsed.</i></p>	
<p><b><u>This Committee's meeting on 30 June 2022 (Minute 14 refers)</u></b></p> <p><b><u>WASTE RECYCLING AND LITTERING:</u></b></p> <p><b><u>ENQUIRY RECOMMENDED:</u></b></p> <p><i>"In respect of the recycling elements of the enquiry:</i></p> <p><i>That the capacity of the Street Scene Team to undertake a range of engagement and recycling promotion work with school age children, members of community organisations and the public through roadshows, Council Tax Bills etc. be assessed and plans brought forward to support this capacity. The Committee believes that this work is vital to ensure we have a well-informed local population about recycling and the benefits of it and that the capacity of the team should provide for this</i></p>	<p><b><u>The Recommendation was submitted to the Cabinet Meeting on 15 July 2022 (Minute 37 refers) and the Portfolio Holder's Comments were as follows:</u></b></p> <p><i>"Colleagues, this report from the Resources and Services Overview &amp; Scrutiny Committee is far too good to just note as it is bursting with intelligent ideas. I want the chance for each to be examined in detail and properly costed, with a view to trying to encompass the report's ideas. Damian Williams organised a meeting for me yesterday with Andy White and Jonathan Hamlet present. I said that only having received the report a week ago, this was not enough time to present a considered answer at this Cabinet meeting, but that I wanted a detailed answer to be prepared with costs included for the next Cabinet meeting."</i></p> <p><i>Having considered the recommendations of the Resources and Services Overview &amp;</i></p>	

## A.1 APPENDIX B

<p><i>work to be undertaken systematically and consistently;</i></p> <p><i>That, in addition to the steps in (1) above, available data, or proxies for it, about recycling rates within the District be examined to identify those areas where recycling rates are lowest and that the available resources for promotional activity be targeted to those areas to increase recycling rates there. The Committee is conscious of the need to use data to guide action and that this is an area where finite resources can be directed where the need for action is most required.</i></p> <p><i>That proposals for new style three chamber litter bins to separate out general waste from plastic/can recyclables and card recyclables be examined with a view to these being installed in the centres of towns in the District. The Committee considers that these new style bins would help reinforce the message around recycling and further the Council's commitment to it (and positively reinforce the Council's Community Leadership role);</i></p> <p><i>That the expected standards for cleanliness/removal of broken glass at the recycling bring sites in the District be developed and publicised and, alongside these, deployment response times for the cleaning/clearing of those sites be established for reports of issues at those</i></p>	<p><i>Scrutiny Committee, together with the initial response of the Environment &amp; Public Space Portfolio Holder thereto:-</i></p> <p><i>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</i></p> <p><i>RESOLVED that Cabinet notes –</i></p> <p><i>(a) the contents of the report; and</i></p> <p><i>(b) that a full response from the Environment &amp; Public Space Portfolio Holder will be submitted to the next meeting of the Cabinet.</i></p> <p><b><u>The Recommendation was submitted to the Cabinet Meeting on November 2022 (Minute 70 refers) and the Portfolio Holder's Comments were as follows:</u></b></p> <p><i>Further to Minute 37 (15.7.22) Cabinet considered the Environment &amp; Public Space Portfolio Holder's detailed reply to the Resources and Services Overview and Scrutiny Committee's recommendations to Cabinet following its inquiry into elements of the waste, recycling and litter collection service. That detailed reply was set out in the Appendix to item A.3 of the Report of the Environment &amp; Public Space Portfolio Holder. (See A.1 APPENDIX B1)</i></p> <p><i>Having duly considered the recommendations submitted by the Resources</i></p>	
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<p>sites when the standards are not being met. This recording will include each incident of 'fly tipping' at the sites. The Committee believes the recycling bring sites provide a valuable addition to the kerbside recycling collection service and believes that working with the public we can look to keep the sites in the best possible condition by sharing with them the standards they should expect, the means of reporting when those standards are not met and a response regime to those reports that can manage expectations while returning the site to the expected standards as soon as possible; and</p> <p>(5) That the introduction of an online (MyTendring) form to report a missed bin collection for garden waste collections (Brown bin) be pursued. The Committee regards the availability of a missed bin collection online form for the general waste (Black bin) and recycling boxes (red and green boxes) as positive and that the same 24/7 reporting route should be provided for garden waste where there is a missed collection.</p> <p>In respect of the public space litter elements of the enquiry:</p> <p>That the proposals for uniquely coloured (purple) bags for those undertaking Community Litter picks (to distinguish these bags from other forms of waste/recycling) be warmly supported;</p>	<p>and Services Overview &amp; Scrutiny Committee together with the Environment &amp; Public Space Portfolio Holder's detailed response thereto:-</p> <p>It was moved by Councillor Talbot, seconded by Councillor Bray and:-</p> <p><b>RESOLVED</b> that the detailed response of the Environment and Public Space Portfolio Holder to the recommendations made by the Resources and Services Overview &amp; Scrutiny Committee be noted (both being set out in the Appendix to the Portfolio Holder's report) and that they thereto be approved.</p>	
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*That the large blue litterbins used as part of the Summer Plan along the seafront should be retained throughout the low season to create a year round approach to litter collection in those spaces. The removal of the litterbins means that out of season there is a reduced litterbin service along the seafront. For residents in those areas and local individuals who use the seafront this reduced service is perceived as a lower standard for them than is provided for tourists. Retaining the bins, even with a reduced emptying regime would demonstrate the obvious commitment of the Council to its residents;*

*That consideration be given to a pilot scheme along the stretch of the A120 from Ardleigh Crown to Horsley Cross to install high visibility litter bins in the laybys and evaluate the extent of their use (and any potential consequential fly tipping from their introduction) for a 12 months period (and that the experience be used to inform the approach along this road and the A133 going forward). The Committee believes that the pilot approach will provide the Council with valuable information as to whether litter bins in the laybys of major roads in the District would be advantageous;*

*(9) That the verge litter-picking schedule for the A120 from the new roundabout to the Auction roundabout be increased to six*

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<p><i>times a year. The current frequency is, in the view of the Committee, demonstrably insufficient to keep the verges concerned clear of litter and this then could encourage further littering to take place by those who see the extent of litter that is not cleared sufficiently frequently to deter it taking place;</i></p> <p><i>In respect of future service provision:</i></p> <p><i>(10) The Committee welcomed the opportunity to input into the specification for the waste, recycling and street cleaning contract that will be the basis of service provision in those areas from 2026.</i></p> <p><i>[Note: Further to item (10) in the above recommendations, the Resources and Services Overview and Scrutiny Committee had proposed to Council on 12 July 2022 that the development of proposals for the waste, recycling and street cleaning contract specification from 2026 be included in the work programme of enquiries for the Committee for 2022/23.]</i></p>		
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Recommendations monitoring for those recommendations from earlier meetings of the Committee have been previously reported to the Committee and, as such, are not repeated here as there is no further update to be provided on them.

## A.1 APPENDIX B1

### RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE 15 NOVEMBER 2022

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#### CABINET

4 NOVEMBER 2022

#### FOLLOW UP REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENT & PUBLIC SPACE ON RECOMMENDATIONS FROM THE RESOURCES & SERVICES OVERVIEW AND SCRUTINY COMMITTEE ON ELEMENTS OF WASTE, RECYCLING AND LITTER

### A.3 DETAILED REPLY TO THE RECOMMENDATIONS IN RESPECT OF THE WASTE, RECYCLING AND LITTERING ENQUIRY

(Report prepared by Jon Hamlet)

#### **BACKGROUND**

At its meeting on 30 June 2022 (Minute 14 refers), the Resources and Services Overview and Scrutiny Committee concluded its enquiry into elements of the waste, recycling and litter service and submitted a series of recommendations to Cabinet. These recommendations (repeated at Appendix A to this report) were initially submitted to Cabinet's meeting on 15 July 2022 (Minute 37 refers). At that meeting of Cabinet, the following response from the Portfolio Holder for Environment and Open Space was submitted and approved:

*“Colleagues, this report from the Resources and Services Overview & Scrutiny Committee is far too good to just note as it is bursting with intelligent ideas. I want the chance for each to be examined in detail and properly costed, with a view to trying to encompass the report's ideas. Damian Williams organised a meeting for me yesterday with Andy White and Jonathan Hamlet present. I said that only having received the report a week ago, this was not enough time to present a considered answer at this Cabinet meeting, but that I wanted a detailed answer to be prepared with costs included for the next Cabinet meeting.”*

This follow up report provides the mechanism by which that detailed answer can be provided to Cabinet and considered by it. The answers are set out in Appendix A.

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

##### **Portfolio Holder for Environment and Public Space's Comments**

The Portfolio Holder restates his thanks to the Resources and Services Overview and Scrutiny Committee for their enquiry and the recommendations arising from it. His promised detailed reply is set out at Appendix A to this report.

##### **Recommendation to Cabinet**

## **A.1 APPENDIX B1**

**That the detailed response of the Portfolio Holder for Environment and Public Space to the recommendations made by the Resources and Services Overview and Scrutiny Committee be noted, both being set out in Appendix A to this report, and that they thereto be approved.**

**DETAILED REPLY FROM THE PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACE TO THE  
RECOMMENDATIONS FROM THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE ON  
ELEMENTS OF WASTE, RECYCLING AND LITTER**

<b>Recommendations from Resources and Services Overview and Scrutiny Committee</b>	<b>Response of Portfolio Holder</b>
<p><i>In respect of the recycling elements of the enquiry:</i></p> <p>(1) That the capacity of the Street Scene Team to undertake a range of engagement and recycling promotion work with school age children, members of community organisations and the public through roadshows, Council Tax Bills etc. be assessed and plans brought forward to support this capacity. The Committee believes that this work is vital to ensure we have a well-informed local population about recycling and the benefits of it and that the capacity of the team should provide for this work to be undertaken systematically and consistently;</p>	<p>(i) The authority is appreciative for the requirement of additional capacity within the street scene team and as part of the overarching restructure currently being undertaken additional resource will hopefully be provided. This additional resource combined with the ability to fill vacant posts within the team will then allow Officers to dedicate and direct their resources to key tasks, such as those highlighted by the committee.</p>
<p>(2) That, in addition to the steps in (1) above, available data, or proxies for it, about recycling rates within the District be examined to identify those areas where recycling rates are lowest and that the available resources for promotional activity be targeted to those areas to increase recycling rates there. The Committee is conscious of the need to use data to guide action and that this is an area where finite resources can be directed where the need for action is most required.</p>	<p>(i) Veolia have the capability to provide the team with recycling tonnage collected per collection round/per day/per vehicle. With a total of 8 core recycling vehicles collecting every day the quantity of data will require resource to manipulate the data and link to corresponding precise areas of collection and total number of properties linked to the area so that an theoretical kg/property can be calculated.</p> <p>(ii) Whilst this work stream would not necessarily be an ongoing requirement the resource required to set up and deliver this information is currently outside of the teams</p>

	<p>current resource and would estimate the requirement to be equivalent to 0.5 FTE (full time equivalent) Officer for an initial 6 month period.</p> <p>(iii) From experience areas of low/lower deprivation indices tend to mirror in lower participation rates in recycling and as such areas including Jaywick Sands, Pier Ward and pockets of Harwich would fall within this remit.</p> <p>(iv) Resources required for this work stream apart from promotion would also include the requirement for additional stock of recycling containers for households wishing to participate in the kerbside recycling. Estimated costs for the supply and delivery of containers to households would be an estimated £50,000 for the areas highlighted above.</p>
<p>(3) That proposals for new style three chamber litter bins to separate out general waste from plastic/can recyclables and card recyclables be examined with a view to these being installed in the centres of towns in the District. The Committee considers that these new style bins would help reinforce the message around recycling and further the Council's commitment to it (and positively reinforce the Council's Community Leadership role);</p>	<p>(i) A number of multi aperture waste receptacles are currently on the market with three chamber models costs in the region of £1200 each and dual chamber costing £700+ each. With a large number of general waste bins already in situ in high footfall areas the progression step would be to introduce dual recycling receptacles alongside existing litter bins. This would provide the same effect of three chamber bins, whilst providing a high level of capacity.</p> <p>(ii) Operationally the contract has no provision in place for the processing of these recyclable materials, which in essence would reflect the materials collected at the bring site, but would be prone to heavy contamination.</p> <p>(iii) Additional bins would require to be added to the contract. The contract has a 10% +/- capacity on bin installations</p>

	<p>and subsequent overall numbers of bins serviced as part of the contract and each dual chamber would constitute 2 bins, especially at the back end of the process as bags back at the depot would then need to be separated into the two different recycling streams. The current contract has limited scope to install additional bins at a level required for on street recycling to be of impact.</p> <p>(iv) Any purchase of additional litter bins for recycling could not be supported by the current budgets and as such would require additional funding.</p>
<p>(4) That the expected standards for cleanliness/removal of broken glass at the recycling bring sites in the District be developed and publicised and, alongside these, deployment response times for the cleaning/clearing of those sites be established for reports of issues at those sites when the standards are not being met. This recording will include each incident of ‘fly tipping’ at the sites. The Committee believes the recycling bring sites provide a valuable addition to the kerbside recycling collection service and believes that working with the public we can look to keep the sites in the best possible condition by sharing with them the standards they should expect, the means of reporting when those standards are not met and a response regime to those reports that can manage expectations while returning the site to the expected standards as soon as possible; and</p>	<p>(i) As part of the 2019 contract extension, aspects of the street sweeping contract were re-organised to ensure that both contracts could be deployed within the cost budgets. Part of this achievement was the removal of scheduled cleaning of bring sites and replaced with reactive cleaning. Consequently there are no contracted scheduled cleaning of all the 80+ bring sites in the district.</p> <p>(ii) As with all reports of fly tipping, the ambition of the authority remains to clear items of fly tipping within a 72 hour working day period once the report is sent over to our contractors.</p> <p>(iii) There is just the one, 2 operative team which is responsible for the removal of fly tipping and clearing of waste from public land and land which the authority has shared responsibly for under the street sweeping contract and consequently their workload remains of high demand with priority given to incidents of fly tipping containing</p>

	<p>hazardous materials or in locations likely to pose a risk to the public.</p>
<p>(5) That the introduction of an online (MyTendring) form to report a missed bin collection for garden waste collections (Brown bin) be pursued. The Committee regards the availability of a missed bin collection online form for the general waste (Black bin) and recycling boxes (red and green boxes) as positive and that the same 24/7 reporting route should be provided for garden waste where there is a missed collection.</p>	<p>(i) The team continues to work with both the authorities I.T team and Veolia to develop a system that is robust to allow residents the opportunity to report missed garden waste collections via the on line portal.</p> <p>Veolia are currently employing additional staff and consultants to deliver an effective in cab technology system across all the collection service, which part of this development requires up to date collection round data linked to GIS mapping and Gazetteer along with UPRN (unique property reference number) for each and every property. This data which is planned to be completed by the end of the year can then be shared with the authorities I.T to begin works to link with My tendring portal and Firmsteps which is the reporting software which sits behind the on line portal.</p>
<p><i>In respect of the public space litter elements of the enquiry:</i></p> <p>(6) That the proposals for uniquely coloured (purple) bags for those undertaking Community Litter picks (to distinguish these bags from other forms of waste/recycling) be warmly supported;</p>	<p>Concurrence letter has been published and a current up to date quotation is currently being sought from potential suppliers along with production of artwork with the expectation of the community litter bags in stock by November 2022 with costs met by current budgets.</p>
<p>(7) That the large blue litterbins used as part of the Summer Plan along the seafront should be retained throughout the low season to create a year round approach to litter collection in those spaces. The removal of the litterbins means that out of season there is a reduced litterbin</p>	<p>The larger 340L blue litter bins and the quantity of these bins located along the seafronts requires Veolia to hire a specialist collection vehicles (2) at £850 per vehicle per week.</p>

<p>service along the seafront. For residents in those areas and local individuals who use the seafront this reduced service is perceived as a lower standard for them than is provided for tourists. Retaining the bins, even with a reduced emptying regime would demonstrate the obvious commitment of the Council to its residents;</p>	<p>For all these bins to remain out on site during the winter at the reduced winter schedule of twice weekly emptying would attract the following costs:</p> <ul style="list-style-type: none"> <li>(i) The weekly hire cost for one vehicle at £850 per week, with the vehicle operating 4 days per week (2 days Clacton area and 2 days Frinton area), equating to £22,100 approx.</li> <li>(ii) Requirement for additional driver during winter period 0.5 FTE approx. £13,000</li> <li>(iii) Additional diesel costs estimated at £200/week, equating to £5,200</li> </ul> <p>Total estimated cost in the region of £40,000 per annum.</p>
<p>(8) That consideration be given to a pilot scheme along the stretch of the A120 from Ardleigh Crown to Horsley Cross to install high visibility litter bins in the laybys and evaluate the extent of their use (and any potential consequential fly tipping from their introduction) for a 12 months period (and that the experience be used to inform the approach along this road and the A133 going forward). The Committee believes that the pilot approach will provide the Council with valuable information as to whether litter bins in the laybys of major roads in the District would be advantageous;</p>	<p>In total there are 13 lay bys along the A120 between Ardleigh Crown to Harwich.</p> <ul style="list-style-type: none"> <li>(i) Estimated cost for one high visibility litter bin for each layby has an estimated purchase of cost of £550 per bin; equating to £7,150.</li> <li>(ii) Installation costs per litter bin by the authorities engineering team are in the region of £100-150 per litter bin; equating to £1300-1950.</li> <li>(iii) This quantity of litter bins could be absorbed into the current street sweeping contract with no additional on going service costs.</li> <li>(iv) Total estimated cost £10,000.</li> </ul>

	<p>Potential operational pressure to the service is that the installation of litter bins will attract fly tipping and waste accumulations resulting in additional pressure placed on the service to maintain these laybys.</p>
<p>(9) That the verge litter-picking schedule for the A120 from the new roundabout to the Auction roundabout be increased to six times a year. The current frequency is, in the view of the Committee, demonstrably insufficient to keep the verges concerned clear of litter and this then could encourage further littering to take place by those who see the extent of litter that is not cleared sufficiently frequently to deter it taking place;</p>	<p>The A120 is currently litter picked four times per annum and to increase this schedule by two additional cleansing will attract the following costs.</p> <p>Firstly it must be noted that the verge litter picking is carried out by a specific crew who are trained in litter picking along high speed carriageways. This same crew are also responsible for the delivery of wheeled bins to residents and as such the additional costs reflects the need for an additional crew to cover their workload which this crew carry out additional litter picking of the A120.</p> <p>(i) In total the A120 takes 6 working days to litter pick on each of the four times per year and so two additional litter picks equates to twelve additional working days which attract a cost of £5,458.56 for 2 operatives and a vehicle.</p> <p>(ii) Traffic management is required for health and safety and this cost equates to £9,600 for the twelve days</p> <p>(iii) Total cost for two additional litter picking of the A120 of £15,058.56 per annum.</p>

*In respect of future service provision*

(10) The Committee welcomed the opportunity to input into the specification for the waste, recycling and street cleaning contract that will be the basis of service provision in those areas from 2026.

[Note: Further to this recommendation, Council on 12 July 2022 approved a work programme for 2022/23 for the Resources and Services Overview and Scrutiny Committee that included an enquiry into the development of proposals for the waste, recycling and street cleaning contract specification from 2026.]

In terms of the new waste contract, we would value any help and ideas for any new areas of our business. I have no doubt that when there are items about which decisions need to be made, I will follow my previous practice and set up a portfolio holder working party, which encourages ideas outside the constraints of a formal committee, where members can think “outside the box”.

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## A.1 APPENDIX C

### **Resources and Services Overview and Scrutiny Committee** **15 November 2022**

#### **OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS**

(Prepared by Keith Durran)

The below forthcoming decisions are those published since 7 October 2022 – the publication date for the Committee’s last ordinary meeting.

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

DESCRIPTION OF DECISION	KEY DECISION – YES/NO	DECISION MAKER	Decision Due Date
<u>Proposed new TDC Road Closure Policy</u>	YES	Leisure and Tourism Portfolio Holder	16/12/2022

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