

**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**

Present:	Councillors M Stephenson (Chairman), Allen, Amos, Codling, Griffiths, Morrison and Skeels
In Attendance:	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.

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