
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 24TH MAY, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors M E Stephenson (Leader of the Council), I J Henderson (Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder), Baker (Housing & Planning Portfolio Holder), Barry (Leisure & Public Realm Portfolio Holder), Bush (Environment Portfolio Holder), Kotz (Assets Portfolio Holder) and Placey (Partnerships Portfolio Holder)

Group Leaders Present by Invitation: Councillors Bray (Leader of the Tendring Residents' Alliance Group), Chapman BEM (Leader of the Independents Group), P B Honeywood (Leader of the Conservative Group) and Scott (Leader of the Liberal Democrats Group)

In Attendance: Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), 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 & Deputy Monitoring Officer), John Fox (Head of Health & Community), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Committee Services Officer) and James Dwan (Communications Officer)

1. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of the Chief Executive (Ian Davidson).

2. PARLIAMENTARY GENERAL ELECTION - THURSDAY 4 JULY 2024

The Head of Democratic Services & Elections (Keith Simmons) informed Cabinet that the Prime Minister in calling the General Election for 4th July 2024 had also given Direction to the Civil Service that the pre-election period would commence at one minute past midnight tomorrow.

The Local Government Association (LGA) had given its advice to its members (Tendring District Council was a member of the LGA) to follow suit and therefore the pre-election period for local government will start at the same time (i.e. at one minute past midnight tomorrow). Guidance would be given to Councillors and Officers pursuant to the pre-election protocol that would be followed here.

3. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 19 April 2024, be approved as a correct record and be signed by the Chairman.

4. **DECLARATIONS OF INTEREST**

Councillor I J Henderson declared an Other Registrable Interest in respect of report A.1 (Freeport East Progress and Business Plan) insofar as he had been appointed to the Board of Freeport East Ltd on behalf of Tendring District Council (TDC).

Councillors I J Henderson and M E Stephenson both declared an Other Registrable Interest in respect of report A.3 (Progress with Town Centre Regeneration through the Clacton Long Term Plan for Towns and Dovercourt High Street Accelerator) in that they had both been appointed to the Clacton Town Board on behalf of TDC.

Councillor I J Henderson declared an interest in respect of report A.9 (Part Funded Police Community Support Officer for Harwich and Dovercourt) insofar as he was also a Harwich Town Councillor and therefore a decision maker on this matter at Harwich Town Council. He informed Cabinet that he would withdraw from the meeting at the appropriate juncture and that he would take no part in the consideration of this matter nor the voting thereon.

Lisa Hastings, acting in her role as Monitoring Officer and under delegated powers made the following statement:-

“Cllr Henderson has been appointed to the Board of Freeport East Ltd (item A1) on behalf of TDC, therefore this is an Other Registerable Interest and following the principles within Section 33 of the Localism Act 2011 and in accordance with Paragraph 9.1 and paragraph 6 of Appendix B of the Tendring District Council’s Members Code of Conduct, I consider it is appropriate for the Cabinet Member appointed to the Company to have to a dispensation to be able to present the item, take part in the debate and vote on the item.

Similarly, these same principles apply to item A9, as both Cllr Henderson and Cllr Stephenson, Leader of the Council, have been appointed to the Town Board on behalf of the Council.

Cllr Henderson has also declared an interest for the PCSO item, however for the record a dispensation is not being granted for this item and Cllr Henderson will leave the room and not take part in this report.”

Councillor Bray declared for the public record, in relation to report A.4 (Adoption of a Reasonable Adjustments Policy; Vulnerability Policy; and Unacceptable Customer Behaviour Policy) and report A.5 (Annual Housing Complaints Performance and Service Improvement Report including Self-Assessment against the Housing Ombudsman’s Complaint Handling Code), that he was a housing tenant of Tendring District Council.

5. **ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

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

6. **ANNOUNCEMENTS BY CABINET MEMBERS**

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

7. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

8. LEADER OF THE COUNCIL'S' ITEMS - JOINT REPORT OF THE LEADER OF THE COUNCIL AND THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.1 - FREEPORT EAST PROGRESS AND BUSINESS PLAN

Earlier on in the meeting as detailed under Minute 4 above, Councillor I J Henderson had declared an Other Registrable Interest insofar as he had been appointed to the Board of Freeport East Ltd on behalf of TDC. The Monitoring Officer (Lisa Hastings) following the principles within Section 33 of the Localism Act 2011 and in accordance with Paragraph 9.1 and paragraph 6 of Appendix B of the Tendring District Council's Members Code of Conduct, had decided it was appropriate for the Cabinet Member appointed to the Company to have to a dispensation to be able to present the item, take part in the debate and vote on the item.

Cabinet considered a detailed joint report of the Leader of the Council and the Economic Growth, Regeneration & Tourism Portfolio Holder (A.1), which updated it on progress with the Freeport East Programme, and which also recommended the approval of the Freeport East Ltd annual business plan for 2024/25 and the Retained Business Rates Strategy.

Freeport East

Cabinet was aware that Freeport East was a Government backed hub for investment, trade and innovation. It was central to the Government's agenda for driving clean growth, promoting regeneration and job creation to level up communities. Freeport East included the Port of Felixstowe and Harwich International Port, and the Gateway 14 site in Stowmarket, Suffolk. It comprised 275 hectares of space and facilities across three sites eligible for tax relief ("Tax Sites") at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket.

Members were reminded that Freeport East Ltd had been incorporated as a Company Limited by Guarantee in December 2022. It had been established by a range of local public and private partners, to act as the main counterpart to Government, for delivery of the Freeport policy for Freeport East. Tendring District Council was one of the Founding Members of Freeport East Ltd.

Cabinet recalled that it had previously approved the appointment of Councillor Ivan Henderson as a Freeport East Company Director, but to date it had not appointed an Alternate Director. The Company's Articles of Association stated that any public sector director of the company could appoint an alternate who was an officer or employee, or an elected member. Any appointment or removal of an Alternate must be effected by notice in writing to the Company signed by the Appointor. The Board was responsible for registering any alternates at Companies House.

To that end it was proposed that the Alternate Director be Lee Heley, Corporate Director (Place and Economy). If agreed by Cabinet this would be submitted in writing by Councillor Henderson to the Company.

Business Plan

It was reported that Freeport East Ltd had produced a draft annual Business Plan. The Business Plan set out the key priorities for the year (e.g. developing a high performing organisation; delivering an ambitious vision for Freeport East; delivering investment; and making the most of its visibility and voice), and how it would deliver them, including the types of activities they would pursue, and the resources needed to deliver those. It also set out a high-level summary of key achievements for 2023/24, its first year of operation. The Business Plan was supported by a range of more detailed operational documents.

Cabinet was reminded that the Business Plan needed to be approved by the Founding Members, as set out in the Members' Agreement. Once the Business Plan was approved, Freeport East intended to publish the final version on their website as an important means to convey to the wider public the scope of what they were delivering.

As well as setting the direction for the organisation, the Business Plan also created a framework for expenditure that could be followed internally. Freeport East Ltd cost in the region of £1.25m per year, funded originally through Government grant but now through the business rate income as set out in the Retained Business Rates Strategy.

It was noted that the £1.25m included a slight increase in head count for the central Freeport East team. That increase had been requested by central Government, who wanted all Freeports to be able to demonstrate their capacity to deliver against Government objectives, and it had been one of the conditions attached to the announcement in the Autumn Statement that had extended the tax reliefs from five to 10 years. (The other conditions included evidence of progress on the tax sites.)

Retained Business Rates Strategy (Local Growth and Investment Strategy)

Cabinet was informed that, in addition to the Business Plan, Freeport East, in consultation with partners, had developed a 'Retained Business Rates Strategy' (Annex 2) that set out how Freeport East would pool, allocate, spend and monitor the retained business rate income that was collected on the Freeport tax sites over the next 25 years. (This included the company's operational costs.) It was proposed to be renamed the Freeport East Local Growth and Investment Strategy in order to give it more relevance to a public audience.

Members were made aware that the Strategy had been approved by the Board in March 2024, subject to an amendment, which would include additional wording on page 20: *"Reflecting this principle in the case of Bathside Bay specifically, and to fully reflect the intent of decisions made by Tendring District Council in relation to business rates usage and to achieve the site developments envisaged in the Full Business Case, 70% of the total retained business rates from the Harwich tax site are planned to be allocated to support the development of the Harwich tax site to achieve the outcomes of the Green Energy Hub."*

As a result, the Freeport East's 'Business Rates Strategy' would align with this Council's final 'Freeport East Policy for Managing Retained Business Rates', which had been approved by Cabinet in January 2023.

Cabinet was advised that the Strategy was intended to be a single point of reference and a decision-making framework for the Freeport East Board on all retained rates matters going forward. It also guided Tendring District Council and the other Billing Authorities in terms of how business rates they collected (directly from the tax site

occupiers or as rebates from HMT) would be used to support the Freeport initiative and Levelling Up, such as business support, skills and infrastructure (“pot c”) which Tendring would benefit from. The Strategy also sets out how funds would be allocated to the tax sites, including helping fund the delivery of Bathside Bay (“pot b”).

It was stated that this Council remained firm that it would not borrow without collateral to lend against future rates on the Bathside Bay site to the benefit of Hutchinsons Ports UK. The Council was however content to pass on business rates to Freeport East if and when they came in from the tax site, in accordance with the Retained Business Rates Strategy. Separately the Billing Authorities, would be considering putting in place a Business Rates Agreement which would ensure there was clarity around forecasting, collection and management of business rates funds in a manner that was consistent with the Retained Business Rates Strategy.

Update on progress

Planning Bathside Bay (Harwich Tax Site)

It was reported that Hutchinson Ports had submitted their application for the temporary (15 year) Clean Energy Hub at Bathside Bay to Tendring District Council on 8 November 2023. That planning application had been approved by the Planning Committee on 14th May 2024. This followed extensive discussion with Natural England to address their previous holding objection.

The application was for the temporary use of Bathside Bay Container Terminal permitted under planning permission 10/00202/FUL dated 14 February 2013 as varied by permission 21/01810/VOC dated March 2022 (BBCT Permission) for wind turbine storage, staging, marshalling and assembly including the import and export, handling and deployment of concrete substructures, moorings, anchors and array cables and other related offshore green energy paraphernalia followed by decommissioning to enable continuation of container terminal use under the BBCT Permission.

Clean Energy Innovation Cluster in Harwich (Opergy Report)

Members recalled that Opergy had been commissioned by the University of Essex, and funded through Tendring’s UK Shared Prosperity Fund, to identify opportunities for Harwich to evolve into a centre for clean energy innovation. The report, launched in December 2023, outlined the vision, actionable recommendations, and the rationale behind creating an innovation cluster in Harwich.

The report provided an opportunity for the Council, the University of Essex and Freeport East to promote an innovation centre to funders in a two-phased approach with a pop-up interim solution whilst planning for a permanent innovation hub. The partners had now formed a working group to take the project forward, and the creation of the Innovation Cluster was one of the priorities outlined in the Freeport East Business Plan.

Seed capital

Cabinet was advised that the £7m seed capital for Bathside Bay was expected to come forward in the summer, and that proposals would be subject to a full business case and Green Book standard appraisal to ensure it was the best use of public funds.

It was felt that:-

- (i) approving the Business Plan would allow Freeport East to operate with a framework of expenditure and report back against the priorities set for the year. It also would allow Freeport East to publish the business plan and to be open and transparent about how the business rates were being used to meet the objectives of Government and local partners;
- (ii) by appointing an Alternate Director, the Council could ensure that it had sufficient cover for future Board meetings; and
- (iii) approving the Retained Business Rates Strategy would ensure that there was a robust process by which the business rates were allocated, helping to achieve the Freeport East objectives, which in turn would ensure that local people benefited from the Freeport. Having an agreed and published Strategy was a stipulated Government condition of all Freeports.

It was moved by Councillor I J Henderson, seconded by Councillor M E Stephenson and:-

RESOLVED that Cabinet –

- (a) approves the Freeport East annual business plan for 2024/25;
- (b) delegates authority to the Leader of the Council to approve future annual business plans on behalf of Tendring District Council as a Founding Member of Freeport East Ltd.;
- (c) approves the appointment of Lee Heley, Corporate Director (Place and Economy), as the Council's Alternate Director of Freeport East Ltd., as nominated by the Portfolio Holder for Economic Growth, Regeneration & Tourism who is the Council's main Director on the company;
- (d) approves Freeport East Ltd.'s Business Rate Relief Strategy (Local Growth and Investment Strategy); and
- (e) notes the progress that has been made with the Freeport East programme.

9. **CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.2 - UPDATE ON LEVELLING UP FUND AND CAPITAL REGENERATION PROJECTS**

Cabinet considered a detailed report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.2), which updated it on the Levelling Up Fund and Capital Regeneration Projects following the June 2023 report and sought to formally request Officers to investigate the opportunity to bring forward that delivery of the demolition of Milton Road car park in Dovercourt.

Agreement with Essex County Council

Cabinet recalled that, at its meeting held on 23 June 2023, it had considered and approved a report titled: 'Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt

Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid'. That report and decision had delegated authority to the Portfolio Holder for Economic Growth, Regeneration and Tourism, in consultation with the Corporate Director (Place and Economy), the Section 151 Officer and the Monitoring Officer, to approve the Heads of Terms for two funding agreements to be developed between Tendring District Council (TDC) and Essex County Council (ECC), and authorised the Corporate Director (Place and Economy) to approve the final terms and conditions of the agreements, in consultation with the Section 151 Officer and the Monitoring Officer.

It was reported that the Heads of Terms had subsequently been approved by the Portfolio Holder on 2 January 2024, and the final terms and conditions of the funding agreements had been approved on 22 January 2024.

Members were informed that ECC had gained approvals to sign the funding agreements on 19 January 2024, and the funding agreement had been sealed on 20 February 2024 by TDC. The agreements allowed ECC to commission and deliver the three projects within the two schemes where ECC owned the land and ran services, which were Clacton Hub (Clacton LUF), and Harwich Library and Kingsway Improvements (Dovercourt CRP).

Funding draw down

Cabinet further recalled that, on 6 October 2023, it had considered and approved a report titled: 'Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission'. That report had recommended drawing down a further £1,898,421 from the remaining match funding of £2,041,460, to cover professional fees for all stages of the project.

Subsequently, on 19 April 2024, Cabinet had considered and approved the Quarter 3 Finance Update Report that had enabled spend of both the Council's match funding contribution, and the LUF and CRP grant funding received from Government on the projects. That report had recommended delegating the determination of the mix of funding (from the Council's own approved contribution and the money made available by the Government) to support both the LUF Scheme in Clacton and the CRP Scheme in Dovercourt within the £1,898,421 previously drawn down, until the next significant project milestones were reported to Cabinet. The delegation was to the Corporate Director (Place and Economy), in consultation with the Council's Section 151 Officer. As result the Council could draw down on the LUF and CRP funding to the value of 1,898,421.

As set out in the report to Cabinet on October 6 2023, a further report would be brought for Cabinet's consideration on the detailed projects. That report would seek approval to develop technical designs to the level of detail required to go out to the market for procurement of main build-contracts, and for agreement of the drawdown of LUF and CRP funds to support delivery of the two TDC led projects within the overall programme, namely Carnarvon Terrace in Clacton and Milton Road in Dovercourt.

Dovercourt Town Centre Improvement Corridor (CRP)

It was reported that, on 7 February 2024, the Council had submitted a change request to Government in relation to delivery of the Dovercourt Town Centre Improvement Corridor CRP scheme. This change request was to allow the Council to relocate the

housing element of the scheme. At time of bid submission, the housing element had been planned to be sited at the location of Milton Road car park, however the change request suggested the relocation of the housing element, to the two derelict sites at Victoria Street, Dovercourt. Cabinet had agreed the acquisition of those sites on 17 June 2022, and the Council had completed the acquisition on February 8 2024.

Cabinet was made aware that, on 7 May 2024, Government had advised the Council that their change request had been approved.

Members were reminded that, in September 2019, Cabinet had approved concept designs and project proposals for the Starlings site in Dovercourt Town Centre and the demolition of the two-storey decked carpark on Milton Road (the site to be used subsequently for residential development), and allocated funding to secure delivery.

Subsequently, on 28 January 2022, Cabinet had agreed to postpone the demolition of Milton Road Car Park and to bring forward options for the site later in 2022/23. The Milton Road Car Park project was then included in the Council's round 2 bid to the Levelling Up Fund, which was then awarded in a sister fund, namely Capital Regeneration Projects.

Cabinet was advised that, following the approval of the change request, this report asked Cabinet to agree of the upcoming demolition of Milton Road Car Park and subsequent reinstatement of car parking at the site, with the number of spaces to be confirmed as designs progressed. There were significant benefits to the change of site for the Dovercourt Town Centre scheme from Milton Road, as it had the potential to bring further brownfield sites within the town into regeneration. However, there could be cost implications, as works to Milton Road carpark and the works to any alternative sites would both be completed under those proposals.

It was felt that initiating the demolition of the existing car park on the Milton Road site, as well as site clearance, surveys and demolition as needed for the two Victoria Street sites, would ensure the sites were ready for development in time for commencement of the main works, whilst ensuring the sites were made safe for the sites' neighbours as well as the general public.

It was moved by Councillor I J Henderson, seconded by Councillor M E Stephenson and:-

RESOLVED that Cabinet –

- (a) notes the acceptance of the two funding agreements between TDC and ECC for the delivery of the ECC led schemes within the LUF and CRP projects respectively; and
- (b) requests officers to investigate the opportunity to bring forward the Milton Road element of the Dovercourt scheme from the Capital Regeneration Project funding and report the outcome back to Cabinet in the context of the wider scheme.

10. **CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.3 - PROGRESS WITH TOWN CENTRE REGENERATION THROUGH THE CLACTON LONG TERM PLAN FOR TOWNS AND DOVERCOURT HIGH STREET ACCELERATOR**

Earlier on in the meeting as detailed under Minute 4 above, Councillors I J Henderson and M E Stephenson had both declared an Other Registrable Interest in that they had both been appointed to the Clacton Town Board on behalf of the Council. The Monitoring Officer (Lisa Hastings), following the principles within Section 33 of the Localism Act 2011 and in accordance with Paragraph 9.1 and paragraph 6 of Appendix B of the Tendring District Council's Members Code of Conduct, had decided that it was appropriate for these Cabinet Members appointed to that board to have a dispensation to be able to present the item, take part in the debate and vote on the item.

Cabinet considered a detailed report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.3), which updated it on progress and welcomed funding associated with the two schemes and which sought delegated approvals on spending.

Cabinet recalled that, at its meeting held on 15 December 2023, it had considered a report titled: Government Funding Opportunities for Tendring. That report had provided further information on the Long Term Plan for Towns Funding and the High Street Accelerator Programme. Those opportunities for the District complemented the ongoing Levelling Up Fund and Capital Regeneration Project schemes in Clacton and Dovercourt, and future potential funding from the Levelling Up Partnership.

Clacton long term plan for towns

The Cabinet had previously approved the acceptance of the £20m Long Term Plan for Town Funding from Government and had delegated entering into agreement with DLUHC to the Corporate Director (Place & Economy) in consultation with the Section 151 Officer, and had delegated the formation of the Clacton Town Board to the Portfolio Holder for Economic Growth, Regeneration & Tourism, including the appointment of an independent chair. George Kieffer had been chosen as the chair of the Clacton Town Board on 1 March 2024 and the Board had been formed on 15 March 2024 and had held its first meeting on 21 March 2024. Membership of the board was drawn from the Clacton community, business and public sector members including Tendring District Council. Draft Terms of Reference had been approved by the Portfolio Holder for Economic Growth, Regeneration and Tourism on 15 March 2024 and by the Clacton Town Board on 21 March 2024.

It was reported that the Government had not yet entered into a Memorandum of Understanding, but had asked for the submission of information at the start of April 2024 to demonstrate progress on governance arrangements in advance of the release of the first £200,000 in 2024/25. DLUHC officials had responded positively to the progress made in Clacton in setting up the Board, and the Council had received the Grant Determination letter dated 30th April 2024 confirming that Government would release the £200,000 capacity funding. This was in addition to £50,000 already received. Such funding could be used to support public engagement (for example residents, visitors, community groups, young people and businesses) as well as for the delivery of projects. An indicative budget had been submitted in the April 2024 information return to Government.

Members were informed that the Clacton Town Board, supported by the Council, would now develop a single long term plan to be submitted to the Department of Levelling Up, Housing and Communities by 1 August 2024. In line with Government guidance the plan would identify the measures under the three broad investment themes: safety and security; high streets, heritage and regeneration; and transport and connectivity.

Cabinet was made aware that, given the tight timelines for delivery of the long term plan for towns and the importance of engagement and consultation, the Council would allocate £30,000 of the total £250,000 received to date to fund community engagement with residents in Clacton. This would leave £220,000 to be allocated to further activity. The aim was to find out issues that residents wanted to see tackled in the town, in particular against the fund's investment themes of safety and security; high street, heritage, and regeneration; and transport and connectivity. The delivery partner for this work would be chosen through a request for quotations. This external support for resident engagement would compliment work with businesses and young people that would be completed by the Council.

High Street Accelerator in Harwich and Dovercourt

Cabinet was aware that the Council had accepted the full £237,000 (£50,000 and £187,000) of High Street Accelerator Funding on 5th March 2024 and that the Corporate Director (Place and Economy) and the Section 151 Officer had approved the Memorandum of Understanding on behalf of the Council on 9th January 2024.

It was reported that the High Street Accelerator Board had been formed and had held its first meeting on 4th March 2024. The Board was chaired by Paul Milsom, (Managing Director at Milsom Hotels and Restaurants). It had representatives from the Harwich and Dovercourt business, community and public sectors, including Councillor Ivan Henderson, Deputy Leader of Tendring District Council and Portfolio Holder for Economic Growth, Regeneration and Tourism. The Board had approved its Terms of Reference.

Members were informed that the Council had successfully spent the first £50,000 of Accelerator funding for 2023/24 on improvements to Dovercourt high street.

Members were made aware that the national High Street Accelerator Programme included a £5m capital fund. The ten participating councils nationally could apply for a share of up to £500,000 to improve their high streets' green spaces and to create more pleasant environments for residents to meet and socialise. This Council had submitted an expression of interest on 1st March 2024 and had published a notice of decision by the Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder on 16 April 2024 ahead of receiving funding. The funding covered:-

- Improved accessibility to the town centre from the beach.
- Improved access from Cliff Park
- High Street and the Queen Victoria statue public realm improvements
- Pocket Spaces

Cabinet was advised that the Government had approved the submission of the expression of interest and had written a letter dated 8 May 2024 offering £500,000 funding (£450,000 capital, £50,000 revenue), which was expected to be spent within this financial year (2024/25). Given the scale of projects currently under way across the

Council, and the nature of the works, this represented a high delivery risk. The Council would discuss with Government the feasibility of delivery as part of the Memorandum of Understanding.

It was pointed out that there had been a rapid increase in the scale of capital allocations to the Council by Government against very tight spend timescales. The Council recognised that it might have to return some or all of the funding earmarked and not complete projects if:-

- 1) the conditions imposed by Government required completion to undeliverable timelines; or
- 2) the Council could not spend Government funding on the project within agreed deadlines, and so would have to allocate its own funding to the project instead; and / or
- 3) the Council's capacity was overstretched and it was unable to utilise external resources.

Officers were exploring options to ensure the necessary capacity for delivery would come in to the Authority and would report to Cabinet on progress.

It was recognised that the Council was committed to building pride in the District, championing the local environment, and promoting local heritage. The funding provided by Government under the Long Term Plan for Towns and High Street Accelerator would support the Council to implement its priorities in Clacton and Harwich. The Council had agreed in March 2024 to take forward the Long Term Plan for Towns and the High Street Accelerator in its highlight priorities for 2024-25. The planned physical improvements and regeneration initiatives in Clacton and Harwich were ready to bring substantial benefits not only to their residents but also to visitors from across the District and beyond. Community engagement and consultation was a key part of the Long Term Plan for Towns, and so allocating funding to this activity supported the delivery of the programme to the timelines required by Government.

It was moved by Councillor I J Henderson, seconded by Councillor M E Stephenson and:-

RESOLVED that Cabinet –

- (a) welcomes and acknowledges receipt of the Grant Determination Letter awarding the second tranche of Long Term Plan for Towns capacity funding in the sum of £200,000 to support the development of the Long-Term Plan, including additional community engagement activity;
- (b) allocates up to £30,000 of the funding in (a) above to support community engagement and consultation in support of the development and implementation of Clacton's Long Term Plan for Towns;
- (c) delegates the authorisation of the spending of the remaining Long Term Plan for Towns Capacity Payment of up to £220,000 (as set out in the report) to the Portfolio Holder for Economic Growth, Regeneration & Tourism following recommendations from the Town Board on how best to use this money, in line with Government's Guidance, to support the development of their Long-Term Plan;

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- (d) subject to (c) above, any such decisions will require a report in support explaining the projects and will be made following consultation with the Chief Executive and the Section 151 Officer, taking into account the latter's responsibility to submit a Statement of Grant Usage and an Assurance Letter to DLUHC;
- (e) welcomes and acknowledges year 2 (2024/25) of the High Street Accelerator (HSA) Funding offered by the Department for Levelling Up, Housing and Communities to the value of £187,000 to support improvement of the town centre in Harwich and Dovercourt;
- (f) delegates the authorisation of the spending of that money in (e) above to the Leader of the Council, in consultation with the relevant Portfolio Holder for the specific projects, and the decisions will identify the impact on resources to delivery across the Council;
- (g) welcomes and acknowledges receipt of the Grant Determination Letter received 8 May 2024 awarding £500,000 funding (£450,000 Capital, £50,000 Revenue) for the financial year 2024/25 to spend in line with the expression of interest in support improvements to green space in Harwich and Dovercourt; and
- (h) delegates the authorisation of the spending of that money in (g) above to the Leader of the Council, in consultation with the Portfolio Holder for Leisure and Public Realm; and further delegates entering into a Memorandum of Understanding for this funding to the Corporate Director (Place and Economy), in consultation with the Section 151 Officer.

11. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.4 - CONSIDERATION AND ADOPTION OF A REASONABLE ADJUSTMENTS POLICY, VULNERABILITY POLICY AND UNACCEPTABLE CUSTOMER BEHAVIOUR POLICY

Earlier on in the meeting, as detailed under Minute 4 above, Councillor Bray had declared for the public record that he was a housing tenant of this Council.

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.4), which presented to it the following housing policies for approval and adoption:-

- Reasonable Adjustments Policy
- Vulnerability Policy
- Unacceptable Customer Behaviour Policy

It was reported that these policies formalised the work that was already undertaken in the Housing and Environmental Directorate.

The Reasonable Adjustments Policy defined what a reasonable adjustment was and provided an overview of the types of adjustments the Council would consider together with details of how customers could request a reasonable adjustment.

The Vulnerability Policy set out the Council's commitment to assisting vulnerable customers to ensure they could access Council services and to vulnerable tenants to ensure they received assistance to sustain their tenancy. The Policy set out how the

Council would support tenants who were vulnerable and explained how the Council would define, assess and record vulnerabilities.

Communicating with housing customers was usually a straightforward process and Council customers had the right to express their views and ask questions about the Council's housing services and their comments and suggestions were important in helping the Council shape and improve the services it delivered. However, in a minority of cases, some customers chose to behave in a manner towards Council staff, contractors or others providing housing services on the Council's behalf and/or place demands on Council services that were unacceptable. The Unacceptable Customer Behaviour Policy defined what behaviour would be classed as unreasonable and how the Council would respond to such behaviour.

Cabinet was assured that all of three policies met the Regulator of Social Housing's revised Consumer Standards that had come into effect from 1 April 2024 and the expectations and recommendations of the Housing Ombudsman.

In order to ensure that the policies were appropriately adopted, in accordance with the Council's Constitution, and to evidence compliance with regulatory standard:-

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

RESOLVED that Cabinet –

- (a) approves and formally adopts the Reasonable Adjustments Policy, Vulnerability Policy and Unacceptable Customer Behaviour Policy;
- (b) authorises their direct implementation; and
- (c) authorises the Corporate Director (Operations and Delivery) to make future updates or amendments to the above policies, in consultation with the Portfolio Holder responsible for Housing.

12. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.5 - ANNUAL HOUSING COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT INCLUDING SELF-ASSESSMENT AGAINST THE HOUSING OMBUDSMAN'S COMPLAINT HANDLING CODE

Earlier on in the meeting, as detailed under Minute 4 above, Councillor Bray had declared for the public record that he was a housing tenant of this Council.

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.5), which presented to it an Annual Complaints Performance and Service Improvement report for scrutiny and challenge, which included a self-assessment carried out against the Housing Ombudsman's Complaint Handling Code for 2023/24 prior to its publication and submission.

Members were informed that, in July 2020, the Housing Ombudsman had published a new Complaint Handling Code ("the Code") that provided a framework for high-quality complaint handling and greater consistency across landlord's complaint procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. That Code had been

revised in 2022 to make it explicit about what was mandatory and where it was appropriate for landlords to use their discretion to achieve best practice in complaint handling.

Cabinet was reminded that prior to the implementation of those revisions, complaints against the Council, as a landlord, had been dealt with under the Corporate Complaints Policy. However, the revision of the Code and self-assessment at the time had resulted in a stand-alone procedure being developed for handling complaints received regarding the Council in its capacity as a landlord to ensure that it met all of the requirements of the Code.

Members were made aware that, following the implementation of the Social Housing (Regulation Act) 2023, the Housing Ombudsman's Complaint Handling Code had become statutory on 1 April 2024. This had been accompanied by a further revision of the Code and the Council's Housing Complaints Policy had been amended to take account of those changes.

It was drawn to Members' attention that the Complaint Handling Code 2024 required landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge and that this information should be presented to the landlord's governing body. As part of this, landlords were required to look beyond the circumstances of individual complaints and consider whether any service improvements could be made as a result of learning from complaints.

The annual complaints performance and service improvement report also included a self-assessment against the Code and this information also needed to be published.

Cabinet was advised that the Social Housing (Regulation) Act 2023 also placed a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code and to assist with this, all landlords were required to submit their self-assessment to the Housing Ombudsman by 30 June each year, commencing in 2024.

It was also noted that the Local Government and Social Care Ombudsman and the Housing Ombudsman had been working closely to harmonise the respective Codes for Complaint Handling. In late 2023 the two Ombudsman services had consulted on a single code across both of their areas of responsibilities. In recognition of the different legal powers the organisations held, the conclusion reached was to produce two closely aligned Codes for complaint handling. In view of this, it was timely to look at the harmonisation of the Corporate and Housing Complaints procedures to deliver the expectations of the closely aligned Ombudsman Codes. This review would be programmed within 2024/25.

In order to formally approve the self-assessment carried out before its submission to the Housing Ombudsman:-

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

RESOLVED that Cabinet –

- (a) endorses the Portfolio Holder for Housing and Planning performing the role of Member Responsible for Complaints for the purposes of the Housing Ombudsman Complaint Handling Code and associated guidance;

- (b) in accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with Cabinet's scrutiny and oversight requirements, formally receives the Council's Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-assessment against the Code, as set out in Appendices A and B to this report (A.5);
- (c) formally provides its response to the Annual Complaints Performance and Service Improvement report, for publication as follows:-

"We thank Councillor Baker for presenting this report to Cabinet today. We fully endorse everything that he has said and warmly welcome the content of the report and its recommendations.

As a Cabinet we recognise the importance of providing good quality housing and that responding to complaints forms an important part of that service.

We fully support and adopt the Housing Ombudsman's revised complaint handling code and are committed to high quality complaint handling. It is important that we learn from all complaints and provide a positive response.

We support Councillor Baker, as Housing Portfolio Holder, taking on responsibility for housing complaints and he will ensure that we as a Cabinet receive regular information and updates on complaints, in particular, what they tell us about our housing service, what we have learnt from them and what we have done to put things right.

It is notable that the number of complaints received has been increasing and that is something that will be explored over the coming months to see what we can do better as part of a programme of continuous improvement for our housing service."

- (d) authorises Officers to publish both the Report and the Cabinet's response on the Council's website within the section relating to complaints and to submit the self-assessment to the Housing Ombudsman by 30 June 2024; and
- (e) notes that there is to be a review in 2024/25 of the Council's Corporate and Housing Complaints procedures to deliver the expectations of the now closely aligned Local Government & Social Care and Housing Ombudsmen Codes.

13. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.6 - FURTHER UPDATE ON SPENDELLS HOUSE AND REVIEW OF BUDGET AND REFERENCE UNDER SECTION 5 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989

Cabinet considered a joint report of the Housing & Planning Portfolio Holder and the Monitoring Officer (A.6), which:-

- 1) updated it on progress with Spendells House being retained and reconfigured for the provision of temporary housing accommodation;
- 2) sought its continued support for the project in the light of the options available and the ongoing need for the accommodation;
- 3) sought additional funding for additional work to address matters that were not within the specification and were brought to light in the course of the project; and

- 4) informed Members of a breach of the Council's Financial Procedure Rules and legal decision making requirements with regard to variation of a contract without sufficient approvals in place and the actions taken in response thereto.

Cabinet noted that the Monitoring Officer was a co-author of the Report, only in so far as complying with the Section 5A of the Local Government and Housing Act 1989 obligations.

Background to bringing in new temporary accommodation to support the District's homelessness challenge

Spendells House was a 1960s constructed sheltered housing scheme with shared washing facilities and limited living space by modern standards. By 2017 the scheme was under occupied, hard to let and suffering from a number of repair and maintenance difficulties. At the same time the Council was (and still is) experiencing high and increasing demand to provide temporary housing for homeless people. At national level it was reported that homelessness had increased by around 13%. That demand had substantially exceeded the available accommodation in the stock and had resulted in the block booking of hotel rooms.

Hotel rooms were costly and were unsuited to decent family accommodation for daily life. Cooking and laundry facilities were rare and hotel occupancy policies were not well suited to family life.

Cabinet received a timeline of events as follows:-

On 10 November 2017, Cabinet had received the report of the then Housing Portfolio Holder and had approved formal consultation on the future of two Sheltered Housing Schemes including Spendells House;

On 15 January 2018, Cabinet had agreed to waiver normal processes for allocating secure tenancies to enable the displaced and transferred tenants of Spendells House, Walton to be granted secure tenancies at alternative addresses;

On 15 January 2018, the former Service Development and Delivery Committee had considered the future of the Honeycroft and Spendells sheltered schemes and had supported the principle of closure of the schemes, subject to some supplementary recommendations;

On 16 February 2018, Cabinet considered the reference from the Service Development and Delivery Committee on the consideration of the future of the Honeycroft and Spendells Sheltered Housing Schemes. Cabinet had noted their recommendations and had welcomed the Committee's support;

On 23 March 2018, Cabinet had received the report of the then Housing Portfolio Holder and had decided on the closure of the two Sheltered Housing Schemes;

On 26 June 2020, Cabinet had decided to bring Spendells House back into use as temporary accommodation;

Officers arranged for the site to be stripped internally of all asbestos and a specification and a formal procurement process had been completed in accordance with the Council's Rules of Procedure and the lowest tender returned was in the sum of: £1.25m;

On 23 September 2022, a further decision by the then Cabinet had been proposed in order to consider a report on the review of the budget position and the award of contract agreed;

On 16 December 2022, the then Cabinet had considered a report on the review of budget position and award of contract and had agreed to continue to support the project subject to decision of the full Council to allocate a revised budget;

On 14 February 2023, the Full Council had decided to allocate additional funding for the project as part of the HRA budget setting process;

The project had faced cost increases before commencement on site due to national construction inflation.

On 3 March 2023, a proposal for further decision on the future use of Spendells House, Walton-on-the-Naze - Approval of financial business case had been published.

On 13 June 2023, the Housing & Planning Portfolio Holder, Leader of the Council & Corporate Finance & Governance Portfolio Holder had considered an update on Spendells House and Review of Budget. The Leader and Portfolio Holder had noted the increased costs, to be financed through capital receipts, had noted the updated business case and had confirmed support for the project;

Renewed engagement with the lowest tenderer had highlighted that since the submission of tenders costs had increased through inflation and that an additional £0.077m would be needed if the scheme were to be progressed.

On 21 July 2023, the Housing & Planning Portfolio Holder, Leader of the Council & Corporate Finance & Governance Portfolio Holder had considered a further update on Spendells House and a further review of budget and had agreed to continue with the project proposing to finance additional costs by reallocating money from within the HRA capital programme;

On 1 August 2023, the Corporate Director, in consultation with the Portfolio Holder for Housing & Planning had decided to appoint ARC to complete the work and to authorise the Head of Legal Services to enter into the construction contract;

Work on site had started on 16 October 2023.

Additional works were required beyond the original specification and implementing them also caused delays, both of which had further increased costs. During construction the need for additional work on a number of matters had arisen including:-

- 1) Fire compartmentation was incomplete above ceiling level and additional partitioning is required in order to limit potential fire spread in the roof void. Issue had been discovered after the start of the works when the contractor had accessed the loft space;*

- 2) *The electrical supply was found to be inadequate for the new electrical heating system and it was necessary to seek advice and quotation from the utility company which took some time to secure.* Specific analysis carried out by the electrical contractor followed by advice from the utility company on their infrastructure capacity;
- 3) *Water supply pipework was found to have a number of dead legs and sizing issues in relation to the new sprinkler system. Water heating to the laundry and shower areas had to be added to the works.* Partly caused by updated regulations but also erroneously not included in the outgoing specification;
- 4) *Drainage at the site was discovered to be broken and defective in some locations and in need of repair works.* Issues had been discovered once the areas were opened up by the contractor;
- 5) *Flat entrance doors and their fanlights and side screens were identified as not being fire rated.* An issue not recognised in the design stages;
- 6) *Flushing in of wiring and ground floor suspended ceilings were added in order to reduce long term risk of damage to services that would otherwise have been surface mounted.* Late change by the project team aimed at reducing long-term costs;
- 7) *A balcony area at the rear of the building was found to have a defective roof covering and it was proposed to replace the area with a section of sloping roof to match the remainder of the building.* Late change by the project team aimed at reducing long term costs.

Those additional works had been not included within the original specification, for the various reasons identified above and therefore had not been priced for as part of the successful tender. Accordingly, instructions for various additional works had been issued at a total estimated cost in the order of £0.525m. The financial effect of delays to the contract building up as a result of the additional work itself and awaiting the conclusions of the utility provider had amounts to an estimated £0.17m.

It was estimated that the final cost of the main contract would now amount to £2.1m, representing an increase in the contract sum of £0.77m, together with the previous expenditure of £0.149m and the inflationary effect on the contract before acceptance of £0.077m, amounted to a total cost of £2.25m. Additionally, the estimate for the revenue cost of furniture and equipment had risen from £60k to £70k owing to the passage of time and inflation. The financial effect of those instructions issued was to increase the cost of the project beyond the authority granted and the budget established.

The Council has to take a value for money decision on the project now

Simultaneously the cost of temporary housing provision had also escalated. The Council had a choice of whether to continue with the contract, increasing funding and confirming the additional works identified or negotiating an end to the contract and then either to discontinue the project or seek a further contractor to complete the project. It was the view of Officers that a negotiated termination of the contract would be costly, a cheaper completion of remaining work could not be predicted and design and procurement timescales would incur property holding costs and an opportunity cost in terms of delayed opening of the accommodation and the cost savings that it was intended to deliver.

The primary purpose of the scheme was to provide accommodation for homeless people and families. The financial cost of hotel provision to meet those needs was

unaffordable in the long term. There was also a social value to better local provision: keeping local people in their area, with their schools, jobs, support networks and family support.

Having got to this point the best value option from here was to continue with the project and the current contract.

It was proposed that Cabinet continued to support the Spendells House site being retained and reconfigured for the provision of temporary housing accommodation

It was proposed that an additional £0.850m capital and £0.01m revenue was allocated from reserves to facilitate the completion of the project.

Some of the additional project costs were incurred without proper authorisation.

The Council's financial procedure rules had not been followed by the project team by the seeking of funding for the variations before commitments were made to the contractor. Accordingly, instructions had been given for which there was no authority and no budget.

This was a report issued under Section 5 of the Local Government and Housing Act 1989 to inform Members that Tendring District Council, had through contract management, varied the contract works beyond the scope of the approvals in place, through previous decision making and sufficient budget provision. The Council was required by law to consider this report and decide what action (if any) to take in response.

The Chief Executive and the Assistant Director (Finance & IT) & Section 151 Officer had both been consulted on this report, as required by the legislation.

The Portfolio Holder and the Management Team, in particular the Monitoring Officer and the Section 151 Officer, had raised significant concerns with the project team. The project team had acknowledged that in order to limit the stalling of the project Officers had given instructions to the contractor to proceed with works, which would lead to the final cost substantially exceeding the contract sum and the approved budget without the relevant approvals in place.

As a result the Council has reviewed its implementation of financial controls

The Internal Audit Team had been asked to look at the Council's arrangements for project management including any learning that should be embedded in relation to the Spendells conversion. The Audit team's report would be completed in the future. Notwithstanding that, there were some interim measures that Officers proposed to implement directly namely:-

- *Take a more measured and realistic approach to internal resources: Seek consultancy leadership in the delivery of major projects and factor those costs in from the start.*
- *Implement project review points in the development stages to ensure scope is not stretched and that financial review forms part of change processes.*
- *Ensure that realistic contingencies are included in all contracts and that realistic timelines are established at the early stages.*

- *Implement short term in-house development for staff in contract and project management.*
- *Identify appropriate staff to take part in formal project management training and potentially qualification.*
- *Include the importance of budgetary control and governance in one to one reviews.*
- *Hold monthly finance meetings between service and finance staff and formalise project review into monthly Portfolio Holder meeting agendas.*

The costs and timeline of this project had increased substantially. There were a number of areas of learning to be drawn out of events. However, the fundamental reasons for commencing remain valid i.e.

- *Accommodating homeless people in more suitable facilities*
- *Reusing a redundant building*
- *Revenue cost saving*

Cabinet also considered an addendum report, which provided it with the formal written comments of the Council's statutory Section 151 Officer on this matter. Those comments, *inter alia*, provided a commentary on the following issues:-

- (a) Internal Controls and Governance;
- (b) Value for Money considerations;
- (c) Use of HRA Reserves to fund the additional costs; and
- (d) Conclusions and proposed actions.

In order to:-

- (1) progress the provision of council owned and managed temporary housing accommodation;
- (2) formally receive the Section 5 report from the Council's Monitoring Officer and to consider its contents and Cabinet's response thereto;
- (3) gain the approval required for the contractual instructions and budget allocation, as variation orders had already been issued for the additional works, which were necessary to complete the project;
- (4) mitigate the reputational risk associated with this decision, as the Council has not followed its governance arrangements in this instance all managers would be formally written to reminding them of the seriousness of over-expenditure and committing to unfunded expenditure. Managers were also to be reminded of the robust internal controls in place and the absolute need to follow them in order to ensure that this event does not occur again.

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

RESOLVED that Cabinet –

- a) formally receives the Monitoring Officer's report and in response, notes the update on progress, increased contractual costs and additional budgets required to complete the project;
- b) continues to support, acknowledging the risks highlighted, the principle of the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation;

- c) notes the financial implications incurred but that the most cost effective route forward is to complete the scheme and the contract in place;
- d) allocates an additional £0.850m capital and £0.01m revenue from reserves to facilitate the completion of the project;
- e) authorises the additional contractual works to be undertaken and recorded through contract management, as set out in the report (A.6);
- f) acknowledges that managers have been reminded of the internal control arrangements in place and the need for these to be followed in order to ensure such contract instructions are not proceeded with in future without the necessary approvals in place;
- g) requests that the Portfolio Holder for Housing and Planning provides corporate oversight of the completion of the project within the approvals in place;
- h) notes and endorses the instructions and actions of the Chief Executive, as set out within the Addendum Report;
- i) requests that Officers provide an update against the instructions and actions taken by the Chief Executive as soon as practicable; and
- j) acknowledges the potential alternative to using HRA Reserves highlighted within the Addendum Report and requests that the Section 151 Officer keeps the options under review during the year and reports back to Cabinet as necessary.

14. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - FAMILY SOLUTIONS UPDATE

Cabinet considered a report of the Partnerships Portfolio Holder (A.7), which sought its approval for an additional Family Solutions Officer Post (Harwich) for a fixed term period of 12 months based on a review of the value for money / benefits such as the post would deliver on behalf of the Council and the District.

Cabinet recalled that the Tendring Family Solutions Service provided an intensive service until families were able to sustain positive progress, or for a maximum of 12 months where risks and needs suggested that this was necessary. The service helped families experiencing a wide range of complex issues and disadvantages – ranging from domestic violence and truancy to unemployment and mental ill health. Families entered the service on a voluntary basis in order to identify what they would like to change about family life, and were then empowered to go about making a change, and crucially to sustain it. This sustainability of change in their circumstances was key to reducing the demand on higher levels of social care and other services. Tendring Family Solutions was part of Essex Social Care, which had been found to be outstanding in a recent Ofsted report.

*“Between April 1st 2023 and March 31st 2024, Family Solutions worked with a total of 1664 families. Of the cases closed after intervention across the service in this period, 81.4% of these had successful outcomes. **In the same calendar period Tendring closed 197 cases, of the cases that Tendring closed after intervention in this period, 90.0% had successful outcomes.**”*

The total numbers of families/cases Family Solutions worked with in 2023/24 decreased compared to the previous financial year, but the percentage of successful outcomes increased in the period:- Family Solutions worked with a total of 1,798 families in the 2022/23 year. Of the cases closed within the 2022/23 period, 79.0% of these were with successful outcomes (needs of families partially or completely met).”

Source: Tendring Family Solutions

Members were informed that a Family Solutions Officer (District wide role) had been employed by Tendring District Council (TDC) on a permanent basis in September 2018, following a number of fixed term contracts since 2013. The role was seconded to work alongside Officers within Essex County Council (ECC) as part of the Tendring Family Solutions Team. The role was matrix managed across both ECC and TDC.

It was reported that, an additional full time Family Solutions Officer post, funded through health inequalities funding from the Integrated Care Board had commenced in September 2022, on a fixed term contract to work within Tendring Family Solutions with a focus on supporting families in the Harwich area. It had been agreed to extend this post for a further year to September 2024 (utilising health inequalities funding).

Cabinet was made aware that the Harwich post undertook to understand the needs of families in the area through a Community Asset Mapping exercise, as well as holding a case load of up to five families at any one time. Key highlights/outcomes of the post holder (working with partners) had included:-

- *forming the now established Harwich Community Forum;*
- *the launch of the weekly 'Heart' food bank at the Salvation Army, with a number of partners in place to support those attending; and*
- *working alongside The Lounge, and relevant partners to support families in attendance, and as a result of demand, launching an after school weekly open session for children & families.*

In addition to the above, a further Family Solutions post had been agreed following a bid to the ECC Local Levelling up Fund, in order to support an additional Family Solutions post (District wide) for a period of 12months. This post had been agreed with match funding from the Council's Health Inequalities funding in 2023.

Members were advised that, following the resignation of the Family Solutions officer for Harwich and as there had been a limited amount of contract time and funding left for the Harwich post it had been agreed to put the proposed funding to the 12 month District wide post with health inequalities funding to provide a more viable employment offer. That post had now been filled.

Subsequent to this, and due to the previous success of the officer in Harwich, an additional sum of £48,750 had been identified as part of the Quarter 3 Financial Performance Report considered by Cabinet on 19 April 2024. As set out in that associated report, this sum had been set aside pending the consideration of the value for money / benefit to the Council and District that was subject of this report. Appendix B to the Portfolio Holder's report provided an analysis of the savings to wider public services as a result of the interventions of the Family Solutions Officer working with a family.

It was recognised that the work of the Family Solutions Officers continued to have a significant impact on the families that had been supported, showing both positive family

outcomes and significant savings elsewhere in the public sector, and that this work supported families for a maximum of 12 months and as outcomes were achieved, new families were allocated for support.

It was moved by Councillor Placey, seconded by Councillor Barry and:-

RESOLVED that Cabinet -

- (a) approves the value for money / benefit review as set out in the Portfolio Holder's report (A.7);
- (b) following the earlier set aside of the associated funding, agrees to the establishment of an additional Family Solutions Officer Post in Harwich for a fixed term period of 12 months;
- (c) requests that future funding of this fixed term post be included within the intended wider review of external grant funding; and
- (d) requests that potential future funding be also considered as part of the review of ongoing cost pressures within the long term financial forecast.

15. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.8 - ALLOCATION OF FUNDING TO THE MENTAL HEALTH HUB

Cabinet considered a report of the Partnerships Portfolio Holder (A.8), which sought its approval to allocate £28,000 of funding to the Mental Health Hub run by Citizen's Advice Tendring (CAT), via use of an 'Addressing Health Inequality – Mental Health Subsidy Scheme', to ensure that this Council was compliant with the Subsidy Control Act 2022. This would provide justification for direct funding to CAT should the funding fall under the legal definition of a subsidy.

Cabinet was aware that CAT provided a Mental Health Hub, which had been operating for nine years. The Hub was a single point of access for a holistic assessment and intervention for vulnerable residents who had poor mental health. The Hub provided a broad range of support for those who attended, including an opportunity for volunteering which could help to lead to employment.

Members were reminded that the Hub had developed following the significant mental health need in the area, which Council partners wanted to respond to and which had become further exacerbated, in particular following Covid. The partners had identified how the Hub could support their priorities, for example, around public health, community safety and helping residents in an area with particularly challenging mental health outcomes. The Hub therefore provided an essential service to residents and was located in one of the most deprived wards in the country in terms of mental health and so ideally placed to provide such support.

It was reported that the Hub was funded by Tendring District Council, Essex County Council, the Police, Fire and Crime Commissioner and the Integrated Care Board. The lead administrator role for the Service Level Agreement with CAT was held by the Integrated Care Board. The contribution from Tendring District Council was £28,000 per year.

It was felt that, without the funding provided by the Council, the Hub might not be able to continue as other partners might not be able to make up the shortfall.

Cabinet was advised that the allocation of the funding would be via a subsidy control scheme, which would be published on the Government website to ensure that this Council was compliant with the Subsidy Control Act 2022 for any funding it allocated. Members were reminded that a subsidy was where a public authority provided support to an enterprise that gave them an economic advantage, meaning equivalent support could not have been obtained on commercial terms. Subsidies could give recipients an unfair advantage over their competitors or be an inefficient use of public money if they did not bring about net positive change.

Cabinet was cognisant that it was the responsibility of public authorities to consider the effect of the funding that they awarded. Subsidies were in the public interest to address a market failure or equity concern, and if awarded, would be in a way that minimised any negative impact on competition and investment to help ensure public money was used in an effective and efficient way.

As part of a wider grant review currently being undertaken the Hub funding would form part of that review and this would include how services were commissioned in future.

In order to ensure:-

- (i) the Council was following its legal obligations under the Subsidy Control Act 2022 and statutory guidance; and
- (ii) funding was provided to deliver a Mental Health Hub to support people with poor mental health;

It was moved by Councillor Placey, seconded by Councillor Bush and:-

RESOLVED that Cabinet –

- a) approves the ‘Subsidy Addressing Health Inequality – Mental Health Subsidy Scheme for 2024/25’;
- b) awards Citizen’s Advice Tendring direct grant funding of £28,000 as a contribution to the provision of a Mental Health Hub for 2024/25; and
- c) requests Officers to ensure that the award is published on the Government’s website, as soon as practicable.

16. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE PARTNERSHIPS PORTFOLIO HOLDER - A.9 - PART FUNDED POLICE COMMUNITY SUPPORT OFFICER (PCSO) HARWICH & DOVERCOURT

Earlier on in the meeting, as detailed under Minute 4 above, Councillor I J Henderson had declared an interest insofar as he was a Harwich Town Councillor and therefore a decision maker on this matter at Harwich Town Council. He thereupon withdrew from the meeting and took no part in the consideration of this matter nor the voting thereon.

Cabinet considered a joint report of the Corporate Finance & Governance Portfolio Holder and the Partnerships Portfolio Holder (A.9), which sought its approval to continue to part-fund a Police Community Support Officer (PCSO)*, in the Harwich & Dovercourt area, for the period 1st April 2024 until 31st March 2025 (*12 months*). Harwich Town Council and Tendring District Council would each fund 50% of the role.

**This was an extension of the existing arrangements, and a post holder was currently in this role if formally agreed, the Council would be invoiced for its contribution.*

Cabinet was reminded that, since 2019/20, Tendring District Council (TDC) and Harwich Town Council (HTC) had collaborated to fund a PCSO in the Harwich and Dovercourt area. This was agreed on a year-by-year basis, and the funding was not part of the Council's base budget. The funding had been secured in previous years through separate decisions and by transferring money from elsewhere in the Council's overall budget.

Essex Police had reported that this arrangement had been hugely important and greatly appreciated by them. They believed that this had been a mutually beneficial arrangement and sincerely hoped it could continue for the full period specified.

It was reported that, in line with TDC's Community Safety Partnership arrangements, the Community Safety & Safeguarding Manager had met with the Community Policing Team Inspector to discuss implementing specific targets and key performance indicators for the role in conjunction with agreed priorities as outlined in the Community Safety Strategic Priorities and Delivery Plan.

Members were informed that the PCSO for the Harwich area submitted a monthly report to both TDC and HTC. The report provided information on the number of hours the PCSO spent patrolling each month, as well as the engagement events, calls, and incidents they had attended. In addition, any further activity, such as joint patrols or problem-solving activities with TDC's ASB Officers or its Community Ambassadors were reported.

Cabinet was reminded that Clacton had the highest reported incidents, closely followed by Harwich, which had more than the rest of the areas in the District combined. There were also specific operations and projects that ran in Clacton; however, those operations currently were not available in Harwich/Dovercourt.

The Portfolio Holder's report therefore sought Cabinet's agreement to continue partially funding the pre-existing arrangement for the period from 1 April 2024 to 31 March 2025. It was proposed also that future funding for this post would be considered as part of the intended wider review of external grant funding to be undertaken throughout 2024/25.

It was felt that the continued employment of a PCSO was important in order to continue engagement and reassurance patrols, conduct vulnerability visits, attend community events and work in conjunction with the Council's Community Ambassadors and Anti-Social Behaviour Officers in the Harwich/Dovercourt area.

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

RESOLVED that Cabinet –

- (a) approves the continuation of the arrangement to part-fund a Police Community Support Officer (PCSO), deployed in the Harwich & Dovercourt area, for a period of 12 months from 1st April 2024 until 31st March 2025, the cost of which is to be met from the associated funding identified, as part of the Quarter 3 Financial Performance 2023/24 that was considered by Cabinet, on 19 April 2024; and
- (b) that the continuation of this arrangement post 31 March 2025 will be considered as part of the future funding review of external posts and the options available during 2024/25 will be presented to Cabinet.

17. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.10 - PROPOSED VARIATION TO THE EXISTING PUBLIC SPACES PROTECTION ORDER (PSPO) IN CLACTON TOWN CENTRE - INCLUDING AN EXTENSION TO THE AREA COVERED AND NEW CONDITIONS TO THE EXISTING ORDER

Cabinet considered a report of the Partnerships Portfolio Holder (A.10), which sought its approval of the variation of the Public Spaces Protection Order (PSPO) in Clacton town centre and its peripheral areas. The implementation of the PSPO would include an extension of the area covered and the inclusion of three new conditions.

Members recalled that the Anti-Social Behaviour, Crime and Policing Act 2014 had enacted powers to create Public Spaces Protection Orders (PSPOs). The purpose of a PSPO was to stop individuals or groups from committing Anti-Social Behaviour (ASB) in a public space. An order had been in place in the Clacton town centre since 2007 (though between 2007 and 2014 it had been a Designated Public Places Order, which was superseded by the PSPO when the legislation was amended).

It was reported that, both Tendring District Council (TDC) and Essex Police received concerns from members of the public about the need to tackle street drinking, begging and other types of ASB in Clacton town centre. Essex Police had Dispersal Powers; however, the PSPO provided additional support for both Essex Police and TDC Officers, enabling them to use those powers to undertake enforcement activity and to prevent crime. It provided a tool to swiftly resolve and combat issues, including the removal of alcohol and the dispersal of individuals and groups. The order ensured that Clacton could be a safe and pleasant environment for residents, workers and visitors.

Cabinet was advised that Council Officers had previously used the PSPO powers along Clacton seafront, including in the shelters and this supported the Council in maintaining the town as a tourist attraction whilst keeping the seafront gardens clear of larger groups and ASB.

Members were reminded that, a decision had been taken by the Partnerships Portfolio Holder, published on 31st August 2023, which had extended the PSPO in Clacton town centre for a period of three years pursuant to the powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014.

To gather public opinion, the Council had also undertaken a six-week public consultation exercise. The consultation process had included businesses, Essex Police, Ward Councillors, landowners and members of the public that resided within a suggested extended PSPO area. During the consultation period, the Council had

received eighteen responses from members of the public and local businesses; all responses had been in support of the proposed amendments to the PSPO.

This Portfolio Holder report now put forward a proposal to extend the area covered across Clacton town centre and to introduce three additional conditions as follows:-

- a. *No person shall urinate, defecate, or spit within the public restricted area.*
- b. *No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected unless prior authorisation is sought and agreed by the Council.*
- c. *All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.*

The proposed new areas to be included in the Clacton town centre PSPO were:

- *Lancaster Gardens West*
- *Lancaster Gardens East*
- *Albany Gardens West*
- *Albany Gardens East*
- *Connaught Gardens West*
- *Connaught Gardens East*
- *Beatrice Road*

It was noted that a PSPO could not be issued to a person who was homeless under the ASB Legislation (Police and Crime Act 2014); however, if an individual was causing harassment, alarm and distress, the PSPO could come into effect.

A map of the proposed extension area was attached as Appendix C to the Portfolio Holder's report. The revised PSPO was attached at Appendix B.

Being satisfied that the legal test had been met in relation to the extended area and additional conditions:-

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

RESOLVED that Cabinet –

- (a) notes the outcome of the public consultation to the proposed variation of the Public Spaces Protection Order for Clacton Town Centre, as presented within the report (A.10);
- (b) agrees that it is satisfied on reasonable grounds that the activity or behaviour covered by the proposed variation is carried out, or likely to be carried out, in a public space:
 - has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.

- (c) approves the variation to the areas covered by the current Town Centre Public Spaces Protection Order (as indicated within this report (A.10) and the map shown in Appendix C thereto) introducing the following additional conditions:
- i. No person shall urinate, defecate, or spit within the public restricted area.
 - ii. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected, unless prior authorisation is sought and agreed by the Council.
 - iii. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

Note: Those additional conditions would cover both the existing area of the Clacton town centre and the additional areas.

18. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.11 - SCRUTINY OF SCHOOL AGE EDUCATION PROVISION

It was reported that the Community Leadership Overview and Scrutiny Committee (“the Committee”) at its meeting held on 23 April 2024, had considered a final report from its School Age Education Provision Task and Finish Group, which had been submitted following that Group’s conclusion of its enquiry concerning Education. That report was attached as Appendix 1 to report A.11.

The Committee’s decision at its meeting held on 23 April 2024 had been to recommend to Cabinet as follows:-

- a) *Advocate and champion where possible local mental health support for young people.*
- b) *Seek funding opportunities, wherever possible, to provide mental health support for young people.*
- c) *Promote the suicide prevention training (free online learning package) to schools across Tendring.*
- d) *Support and have Officer attendance at the Tendring Education Strategic Board, Attendance sub-group.*
- e) *Champion and continue to work closely with Family Solutions.*
- f) *To continue to support the Primary Wellbeing hubs and cascade the evaluation from the University of Essex through the Essex Health and Wellbeing Board, Tendring Community Safety Partnership/Health and Wellbeing Board.*
- g) *To request an update from ECC Education colleagues regarding school attendance data:-*

That the following requests be submitted to ECC post January 2025 - (this will be the earliest opportunity for school data to be available under new reporting arrangements for schools. (Ref: Department for Education Guidance, “Working Together to Improve School Attendance,” (update February 2024)):

- *Request attendance data relating to the autumn term of 2024/25 to show levels of persistent and severe absence within the district (for the Tendring area and broken down by school).*

- *Number of alternative commissioning arrangements, which have been commissioned by the LA (Education Access Team/SEND Team) for the Tendring district, including the reasons why such provision has been deemed necessary. This request should cover the autumn term 2024/25.*
- *Number of SEND children (SEN Support or EHCP) who have been removed from a Tendring school roll in favour of elective home education, during the autumn term (Tendring district data for the autumn term 2024/25, broken down by primary and secondary phases), where the reason provided suggests needs have not been met by the school.*

The response of the Partnerships Portfolio Holder to the above recommendations was as follows:-

“The Education Task and Finish group highlighted the significant challenges both for Tendring secondary schools and young people in relation to mental health and school attendance.

I welcome this report and the focus around the mental health of our young people as it is one of the significant reasons for non-attendance and with the many challenges young people face, early mental health support and provision is critical. As teachers are not routinely trained around mental health, projects such as the Wellbeing Hubs provide an excellent and very powerful opportunity to support our young people and upskill our teachers.

I support the championing of mental health services for young people and also the broader provision, for example around Family Solutions which can provide wider holistic support for families and thereby opportunity for young people.

Attendance is a key priority of the Tendring Education Strategic Board this academic year.

The work of the task and finish group has identified some key areas of focus and I look forward to seeing how this work develops.”

It was moved by Councillor Placey, seconded by Councillor Barry and:-

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

19. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.12 - SCRUTINY OF MAINSTREAM AND COMMUNITY TRANSPORT PROVISION IN THE DISTRICT

It was reported that the Community Leadership Overview and Scrutiny Committee (“the Committee”) at its meeting held on 23 April 2024, had considered a final report from its Mainstream and Community Transport Provision Task and Finish Group, which had been submitted following that Group’s conclusion of its enquiry concerning Transport. That report was attached as Appendix 1 to report A.12.

The Committee's decision at its meeting held on 23 April 2024 had been to recommend to Cabinet as follows namely to:-

- a) *Hold a summit with local transport providers including Hedingham and Chambers and Greater Anglia, to seek to improve the frequency, reliability and quality of local public transport services;*
- b) *Support advocacy for an improved rail service from Clacton, moving to a half hourly service;*
- c) *Take advantage of levelling up funding where available to support improved public transport;*
- d) *Engage with ECC and providers on the potential for Demand Responsive Transport to supplement the current public transport offer;*
- e) *Advocate where possible for services to be brought to coastal areas so that there is less need to travel for education and health care;*
- f) *Ask Hedingham to review the provision of a bus stop to support the new Marks and Spencer's store at Brook Park West, the Crematorium and the potential for park and ride to Clacton at peak tourist season building on the experience of the Airshow;*
- g) *Prioritise gaining developer contributions for new bus routes in the delivery of the revised Local Plan; and that*
- h) *Councils should take these recommendations into account when developing the Tendring Future Transport Strategy (ECC) and the Local Plan (TDC).*

The response of the Economic Growth, Regeneration and Tourism Portfolio Holder to the Community Leadership Overview & Scrutiny Committee's recommendations was as follows:-

"I welcome the work completed by the Task and Finish Group and the report of the Community Leadership Overview and Scrutiny Committee. Improvements to public and community transport are of critical importance to residents in a coastal district like Tendring, and I recognise the challenges faced by our residents seeking to get about the district without a car. I endorse these recommendations and in particular commit to organising a summit of local transport providers in 2024."

It was moved by Councillor I J Henderson, seconded by Councillor M E Stephenson and:-

RESOLVED that the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Economic Growth, Regeneration & Tourism Portfolio Holder thereto be endorsed.

20. **MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE - A.13 - SCRUTINY OF IMPROVING ACCESS TO NHS DENTISTRY FOR RESIDENTS IN TENDRING**

It was reported that the Community Leadership Overview and Scrutiny Committee (“the Committee”), at its meeting held on 23 April 2024, had discussed the delegation of dental service commissioning to the Suffolk and North East Essex Integrated Care Board (SNEE ICB) by NHS England on April 1, 2023. This move had aimed to address longstanding issues surrounding NHS dental access, exacerbated by the COVID-19 pandemic. The financial burden on the NHS due to oral diseases amounted to £3.4 billion annually, underscoring the urgency of improving dental care provision.

Concerns had been raised by Members about the significant pain endured by individuals with dental issues, leading some to resort to extreme measures such as DIY dentistry or excessive use of painkillers like paracetamol. This not only strained urgent care services but also had broader societal impacts, including increased pressure on the healthcare system, reduced productivity due to absenteeism from work, and financial costs to employers.

The Committee outlined the commissioning structure for NHS dental services in Suffolk and North East Essex, highlighting the use of Courses of Treatment (CoT) and Units of Dental Activity (UDA) to reimburse dentists. Criticism had been directed at the 2006 NHS dental contract, which paid dentists per course of treatment rather than per item, potentially dis-incentivising comprehensive care. Efforts were now underway to reform the dental system, with objectives including improving oral health outcomes, enhancing patient access, and ensuring affordability within NHS resources.

Regarding dental fees, the Committee had detailed the three-band fixed charge primary care treatment package for adult patients, with exemptions for certain categories such as those under 18, pregnant women, and individuals receiving low-income benefits. Despite those provisions, there had been a downward trend in the utilization of free NHS dental care in Essex between 2017/18 and 2021/22. Poor oral health had been identified as a significant issue in this Region, impacting overall health, quality of life, and placing additional strain on healthcare services.

The Committee’s decision at its meeting held on 23 April 2024 had been to recommend to Cabinet that:-

“Cabinet receives this report and thereby is made aware of the actions of the Suffolk and North Essex Integrated Care Board to improve provision to support good oral health in the Tendring District and to endorse the partnership links between the Council and the SNEE ICB to ensure the needs of local residents for good NHS Dental Services are best catered for through the ICB’s commissioning.”

The response of the Partnerships Portfolio Holder to the above recommendations was as follows:-

“I welcome the update provided by the Integrated Care Board (ICB) who now have the responsibility for dentistry and in particular their focus on high priority groups and urgent care especially as Councillors raised concerns re emergency access and treatment. In addition, utilising the opportunity around contractual flexibility to improve oral outcomes, patient access and affordability is welcomed.

A focus on behavioural management to support people to manage their own dental health and an increase in staffing as the opportunity for training at the University of Essex develops will help support a stronger preventative approach. This will assist the dentists in our area to be able to focus on the most serious cases.

A further update to the Committee in future would be helpful to ensure the work that the ICB highlighted is actually delivering outcomes and improving oral health in our area.”

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

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

21. MANAGEMENT TEAM ITEMS

There were no formal written items submitted by the Council's Management Team on this occasion.

The Meeting was declared closed at 12.47 pm

Chairman