
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 20TH SEPTEMBER, 2024 AT 10.30 AM
TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present: Councillors M E Stephenson (Leader of the Council & Portfolio Holder for Corporate Finance and Governance) (Chairman), I J Henderson (Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism), Baker (Portfolio Holder for Housing and Planning), Barry (Portfolio Holder for Leisure & Public Realm), Kotz (Portfolio Holder for Assets), Placey (Portfolio Holder for Partnerships), Scott (Portfolio Holder for Arts, Culture & Heritage) and Smith (Portfolio Holder for the Environment)

Group Leaders Present by Invitation: Councillor Chapman BEM (Leader of the Independents Group) (except item 54)

In Attendance: Ian Davidson (Chief Executive), 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), Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Karen Hayes (Executive Projects Manager (Governance)), Ian Ford (Committee Services Manager), Keith Durrant (Committee Services Officer) and James Dwan (Communications Officer)

40. APOLOGIES FOR ABSENCE

Prior to the commencement of the meeting the Leader of the Conservative Group (Councillor P B Honeywood) had submitted apologies for his non-attendance at this meeting.

41. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 26 July 2024, be approved as a correct record and be signed by the Chairman.

42. DECLARATIONS OF INTEREST

In relation to agenda item 15, report A.8 (Housing Ombudsman Findings and other Incidental and Related Matters), Councillor Chapman BEM declared an interest insofar as she had had contact with the individual concerned in 'Complaint 1' (202302247). Having received the advice of the Monitoring Officer, Councillor Chapman indicated that she would withdraw from the meeting at the appropriate juncture.

43. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

44. ANNOUNCEMENTS BY CABINET MEMBERS**Tendring4Growth Events**

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) reported that a host of exciting guest speakers would be sharing their knowledge and expertise with local businesses at next month's Tendring4Growth Business Fortnight. The fortnight would feature expert speakers covering topics on digital marketing and women in business, as well as specific industries such as tourism, business in town centres, and creative and cultural arts. The initiative would include events across Tendring from Monday, 23 September to Wednesday, 2 October, and would include the following:-

- Regenerating Tendring at Clacton Leisure Centre on Monday, 23 September;
- Tendring Tourism' at the Kingscliff Hotel in Holland-on-Sea on Tuesday, 24 September;
- 'Boost Your Digital Presence' event takes place on Wednesday, 25 September, at the Lifehouse Spa and Hotel in Thorpe-le-Soken;
- Jobs and Skills Fair at Clacton Town Hall on Thursday, 26 September;
- Women in Business networking event on Monday, 30 September, at The Waterfront in Dovercourt;
- 'Coastal Creativity and Entrepreneurship' event on Tuesday, 1 October, at The Electric Palace in Harwich; and
- High Street Heroes event at The Nose bookshop in Walton-on-the-Naze on Wednesday, 2 October.

SNEE EXPO Event

The Portfolio Holder for Partnerships (Councillor Placey) and the Leader of the Council (Councillor M E Stephenson) informed Cabinet about this event held on Friday 13 September 2024 at the Colchester Rugby Club. The Leader was delighted to report that the Chief Executive had been awarded the 'Inspirational Leader Award' at the ICS 'Can Do' Health and Care Awards 2024.

45. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

46. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - SCRUTINY OF THE SPENDELLS PROJECT

Cabinet was aware that the Resources and Services Overview and Scrutiny Committee ("the Committee") had undertaken scrutiny of the Spendells Project at its meeting held on 22 July 2024 (minute 50 referred). The Committee had considered this project due to an unauthorised expenditure of several hundreds of thousands of pounds. That had resulted in a report to the Cabinet on 24 May 2024 (minute 13 referred) under section 5A of the Local Government and Housing Act, 1989. That report had been provided to the Committee for their enquiry along with the comments of the Council's Assistant Director (Finance and IT) (the Council's Statutory 151 Officer) provided in the form of a supplementary report to that Cabinet meeting.

As part of its enquiry, at its meeting on 22 July 2024 (referenced above), the Committee had met with the Leader of the Council, the Portfolio Holder for Housing and Planning, the Chief Executive, the Corporate Director (Operations and Delivery), the Section 151 Officer and the Monitoring Officer, when an extensive set of questions had been put before them. The complete list of questions, and their accompanying answers were attached as Appendix A to this reference report (A.1).

During the Committee's meeting, various aspects of project management, internal review, decision-making, and capacity issues within the Council, had been discussed. The importance of quality and detail in writing up project specifications had been emphasised. Those specifications had been prepared and managed internally by the Council's own Officers.

The Committee heard that the Portfolio Holder for Housing and Planning met with the Corporate Director (Operations and Delivery) once a week to discuss various matters, including specific projects.

The Chief Executive had also addressed a specific issue related to fire safety standards. He explained that it had been determined that the existing fire doors were not up to current standards and had needed to be replaced. The Chief Executive had approved an additional £60,000 for this purpose in order to avoid potential safety risks. This decision had been made in the interest of residents' safety and to keep the cost to a minimum. The Chief Executive had taken this decision promptly to avoid any further delays and cost increases.

In addition to project management and safety standards, Members had also heard about the challenges of managing services like homelessness, where the numbers were uncontrollable, and there was a legal requirement to continue providing the service. This had been a significant challenge for District Councils and the public sector.

The Leader of the Council had acknowledged that whilst the Council strove for transparency and good governance, things could go wrong, as in the case of this project. However, he had also highlighted other, successful projects and had expressed satisfaction with the governance around their processes. He had also mentioned the Chief Executive's internal review that would help understand why this project had gone awry and how to prevent such issues re-occurring in the future.

The Committee had RESOLVED to RECOMMEND to Cabinet:-

- a. that, once the Chief Executive's formal review (on how the issue of unauthorised expenditure arose and developed in respect of the Spendells project) has been completed, the Cabinet reports on its lessons learnt;*
- b. that the report referred to in (1) above should articulate a robust response and action plan for going forward;*
- c. that a more detailed financial breakdown of the seven items not included in the specification for the Spendells project be reported to Cabinet; and*
- d. that Portfolio Holders review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and*

report their findings to the Leader of the Council by the end of September 2024 (and that this also then be submitted to this Committee at its next programmed meeting)."

The Committee had further RESOLVED:

- e. to note the actions of the three Statutory Officers in respect of the then unauthorised expenditure on the Spendells project;
- f. to record that the Committee looks forward to reviewing the Cabinet's formal response to its recommendations as part of its recommendation monitoring process; and
- g. to note that the Audit Committee is undertaking its own enquiry into the unauthorised expenditure on this project and that this may generate scope for a combined exercise with this Committee going forward."

Cabinet had before it the following response thereto from the Portfolio Holder for Housing and Planning:-

"I would like to begin by thanking the Committee for its consideration and recommendations.

As I have said on more than one occasion that the reasons for undertaking the Spendells project are never more valid. It will provide temporary accommodation for up to 30 families with children, a better place for them to be accommodated, than a hotel room, reducing the impact on both the children's education and the family's overall health.

This Council continues to face, as does the rest of the country, homelessness issues along with the provision of temporary accommodation, together with ongoing, and increasing, financial costs.

This project, even at an increased cost, remains the right thing to do.

An internal review is currently ongoing and we will understand in due course, fully, what has happened and what lessons there are to be learned.

Without seeking to deny the particular issues in relation to this project, particularly the unauthorised expenditure, it must be understood that all construction and major projects, such as this one, all carry inherent risks.

It is unfortunate that this project has had particular difficulties, but in line with the Committee's recommendations I am content to recommend to Cabinet that:

- a) *the Chief Executive's formal review, when completed, be reported to the Cabinet including:*
 - i) *a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;*
 - ii) *the lessons learnt;*
 - iii) *articulating a robust response and action plan for going forward;*

- b) *Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.*"

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the response of the Portfolio Holder for Housing and Planning thereto:-

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

RESOLVED that –

- (a) the Chief Executive's formal review, when completed, be reported to the Cabinet including:
- i) a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;
 - ii) the lessons learnt;
 - iii) articulating a robust response and action plan for going forward;
- (b) Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.

47. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.2 - ADOPTION OF A FILM CLASSIFICATION POLICY

Cabinet considered a reference report (A.2) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Film Classification Policy.

It was reported that, under the Licensing Act 2003, the exhibition of a film to the public (with certain exclusions and exemptions) was defined as regulated entertainment. Regulated entertainment under the 2003 Act required an authorisation from the licensing authority, which, in the District of Tendring was this Council. The 2003 Act provided that where an authorisation permitted the exhibition of film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC), or by the licensing authority itself. A Film Classification Policy set out how a licensing authority would approach its responsibilities in this regard within the 2003 Act.

In undertaking its responsibility under the Licensing Act 2003, the Council must seek to promote the four licensing objectives set out in that Act. Those objectives were:

- *Prevention of crime and disorder*
- *Prevention of public nuisance*

- *Public safety*
- *Protection of children from harm*

Members were informed that a draft Film Classification Policy had been considered by the Licensing and Registration Committee (“the Committee”) at its meeting held on 25 March 2024. The Committee at that time had authorised consultation on the draft policy for a period of 8 weeks from 1 April 2024 to 26 May 2024. That consultation had been duly undertaken and had specifically included invitations to comment being sent to the licensees for the Electric Palace, Harwich; and the Picturedome Clacton Century. In addition, Responsible Authorities under the Licensing Act 2003, and representatives of premises licence holders had been approached to submit comments on the draft Policy. The draft Policy had also been made available to view, download and comment on through the Council’s website. Only the licensee for the Electric Palace had responded to the consultation and their submission was that the draft Policy: *“was extremely helpful and looked as expected. We are grateful for you sharing this with us”*. No other views on the draft Policy had been received.

Cabinet was made aware that the draft Policy sought to set out how this Council (as the licensing authority) would deal with the classification of otherwise unclassified films, together with appeals by distributors against the BBFC decisions as to the classification of a film or to reclassify films. The Council had previously made determinations on those matters. However, it did not have the benefit of a Policy to aid with consistency in those determinations.

This Council’s Licensing and Registration Committee (“the Committee”), at its meeting held on 24 July 2024 (Minute 7 referred), considered the matter again (including the responses received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

“RESOLVED that, having considered the outcome of the public consultation on a draft Film Classification Policy, it formally recommends to Cabinet that the policy attached to the Officer report (Appendix A) be adopted.”

The Policy referred to in the above decision of the Licensing and Registration Committee was set out at Appendix 1 to the reference report.

Cabinet had before it the following formal response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council’s approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council’s Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

“I am grateful for the work of the Licensing and Registration Committee in overseeing the development of the Film Classification Policy now presented to Cabinet for approval. I am happy to endorse the recommendation from the Committee that the Policy be approved.

This Policy compliments the Statement of Licensing Policy which, among other things, concerns itself with the regulation of the exhibition of films in the District. The Film Classification Policy provides a good framework for those wishing to show unrated films, as well as safeguarding children (by applying a set of rules around the rating to be applied to those otherwise unrated films).

I am also happy to propose a second recommendation to Cabinet as follows:

“That Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy.”

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

RESOLVED that –

- (a) the Film Classification Policy, as set out at Appendix 1 to the reference report (A.2), be adopted; and
- (b) Officers be authorised, following consultation with the Portfolio Holder with responsibility for Licensing, to make minor amendments to the adopted Film Classification Policy in the event of legislative, statutory guidance under Section 182 of the Licensing Act 2003 or the framework adopted by the British Board of Film Classification changes impacting on that Policy.

48. LEADER OF THE COUNCIL'S ITEMS

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

49. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.3 - ADOPTION OF THE WASTE STRATEGY FOR ESSEX 2024-2054

Cabinet considered a detailed report of the Environment Portfolio Holder (A.3) which, following consultation undertaken by Essex County Council, sought the agreement of Cabinet to endorse the adoption of the Waste Strategy for Essex 2024-2054.

Members were informed that the Waste and Emissions Trading (WET) Act 2003, (section 32) obliged authorities in 'two-tier' areas to have a Joint Strategy at all times, for the management of waste from households and other waste similar to household waste. The strategy policies must be kept under review and consulted on as appropriate. Essex County Council (ECC) as the waste disposal authority and the 12 waste collection authorities were therefore jointly obliged to maintain a Joint Strategy setting out how household and similar wastes were to be managed. The Joint Strategy currently in place was not fit for purpose and might not be in conformity with the requirements set out by the WET Act 2003.

It was reported that the 13 councils had worked together through Officer groups of the Essex Waste Partnership and also at Member groups, attended by the Leader of the Council and the Portfolio Holder for the Environment on behalf of the District of Tendring

at the Essex Waste Partnership (EWP), to jointly develop a new Waste Strategy for Essex to comply with this duty.

Cabinet was made aware that the strategy provided a 30-year framework for how Essex councils would manage the waste collected by local authorities from homes, businesses and street cleansing. The focus of the strategy was to protect the environment whilst delivering high quality, value for money services that aligned fully with national policy and met local needs. The strategy identified the key areas of work to deliver the aims and ambitions of the partnership, shared targets and approaches for the management of waste. Following strategy adoption decisions, work would be undertaken to develop the required countywide and local action plans to deliver the aims and aspirations of the strategy.

It was detailed that a draft Waste Strategy for Essex had been developed and endorsed by the EWP for public consultation in June 2023. The consultation methodology had been designed in line with the HM Government's code of practice and the 'Gunning' principles. The design and delivery of the Waste Strategy for Essex consultation had been externally validated by The Consultation Institute (TCI) as best practice and the public consultation had commenced on 13 September 2023.

Members were advised that the 10-week public consultation had been facilitated by ECC on behalf of the EWP. Its purpose had been to provide residents, businesses and communities with an opportunity to have their say on the priorities and approaches proposed in the draft strategy. Respondents had also been able to provide feedback on the Strategic Environmental Assessment published alongside the draft strategy. Over the consultation period 4,545 consultation questionnaire responses had been received from across the County. The findings of the consultation exercise had then been independently analysed and used by the EWP to develop a final strategy.

It was felt that the Waste Strategy for Essex set a clear ambition and commitment to reduce the impact on the environment from dealing with the things people threw away. It was a 30-year strategy for the county of Essex that had been jointly developed by the Essex Waste Partnership, comprising the Borough, City and District Councils and Essex County Council.

It was considered to provide a framework for waste management informing the future design of waste services and a joined-up approach to waste treatment and disposal.

The final strategy had been submitted to each partner council for a decision on adoption and a copy of the Waste Strategy for Essex was attached at Appendix 1 to the Report of the Environment Portfolio Holder (A.3).

Given that the Portfolio Holder's recommendations would ensure that the Council continued to progress the future of this important statutory service whilst complying with the Waste and Emissions Trading Act 2003, (section 32) which obliged authorities in 'two-tier' areas to have a Joint Strategy at all times, for the management of waste from households and other waste similar to household waste:-

It was moved by Councillor Smith, seconded by Councillor I J Henderson and:-

RESOLVED that Cabinet –

- (a) approves and formally adopts the Waste Strategy for Essex 2024-2054 in the form appended to the Environment Portfolio Holder's report (Appendix 1 to report A.3); and
- (b) notes that other Councils in the Essex Waste Partnership will be taking individual decisions on the adoption of the Waste Strategy for Essex 2024-2054 during 2024.

50. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.4 - ADOPTION OF THE JAYWICK SANDS PLACE PLAN

Cabinet considered a detailed report of the Housing and Planning Portfolio Holder (A.4), which provided it with the outcome of the public consultation and presented the Jaywick Sands Place Plan, as amended, for adoption.

Members recalled that Jaywick Sands had been designated as a Priority Area for Regeneration within the Tendring Local Plan. The Place Plan, prepared on behalf of the Council by specialists HAT Projects, had been developed to provide a comprehensive strategy for the area's revitalisation, focusing on the following key objectives:-

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

Strategic Interventions:

To realise those objectives, the Place Plan identified several strategic interventions that, subject to funding and resources, could be delivered either by the Council in partnership with other bodies or through other organisations or parties. Those interventions included:-

- *Upgrading flood defences and enhancing the seafront's public realm;*
- *Residential area enhancements, including the provision of replacement housing;*
- *Development of spaces dedicated to business, tourism, and local services;*
- *Refurbishment of public open spaces;*
- *Boosting accessibility and connectivity;*
- *Upgrading drainage infrastructure; and*
- *Continuous community engagement and stewardship.*

It was reported that the collective aim of those measures was to lift Jaywick Sands from its current position at the lower end of the English Index of Multiple Deprivation and bring about a positive and sustainable long-term future for the community; with a strong emphasis on working with the community to achieve that. The full implementation of the strategic interventions, as set out in the Place Plan, was projected to span 20 years, with phased improvements being the most feasible approach.

Cabinet was informed that public consultation on the draft Place Plan had been conducted from 20 November 2023 to 6 January 2024; which followed on from previous community engagement exercises. The feedback received had been overwhelmingly positive, indicating broad support for the strategic interventions. Notably, there were no formal objections from statutory consultees. The Consultation Report attached as an

Appendix to the Portfolio Holder's report offered an in-depth analysis of the feedback received.

Members were made aware that the strategic interventions set out in the Place Plan were together costed at more than £120 million for which, at present, there was no allocated funding. However, having this Place Plan would, for the first time, enable the Council and its partners to explore different avenues for funding and delivery, and have serious discussions with the Government and other potential investors that were based on a programme of tangible, properly costed and publicly supported proposals.

In order to support the continued ambition to bring about economic regeneration, improve the quality of life and tackle deprivation in Jaywick Sands through having a specific Place Plan that progressed the objectives for regeneration identified in the Council's Local Plan and as identified as one of Council's Corporate Priorities:-

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

RESOLVED that Cabinet -

- a) notes the contents of the Portfolio Holder's report (A.4) and takes into account the outcomes of the 2023/24 consultation exercise, as set out in the Consultation Report (attached as an Appendix to report A.4); and
- b) approves and formally adopts Tendring District Council's Jaywick Sands Place Plan (as attached as an Appendix to report A.4), as its overarching strategy for working with partners and the community to regenerate Jaywick Sands over a long-term period.

51. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.5 - CONSIDERATION AND ADOPTION OF A HOUSING DOMESTIC ABUSE POLICY, NEIGHBOURHOOD MANAGEMENT POLICY AND RENT SETTING AND COLLECTION POLICY

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.5), which present to it the following housing policies for approval and adoption:-

- Domestic Abuse Policy;
- Neighbourhood Management Policy; and
- Rent Setting and Collection Policy.

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

The Domestic Abuse Policy acknowledged the devastating impact that domestic abuse had on victims, their families and the wider community and that this could happen to anyone, in any type of relationship. The Policy set out how this Council would work to identify domestic abuse early and to provide support to victims which would help to prevent homelessness and improve the safety and wellbeing of residents.

The Neighbourhood Management Policy recognised that keeping neighbourhoods safe and clean was an important part of providing a better quality of life for residents and could act as a deterrent to anti-social behaviour, neighbour nuisance and crime. The policy set out how this Council would maintain neighbourhoods by working with residents and partner agencies to keep neighbourhoods safe and clean.

The Rent Setting and Collection Policy outlined the method of calculating fair and affordable Council Housing rents and recognised that it was in the interests of both the Council and tenants to ensure that rent was paid promptly. However, when debts did occur, this Council would consider individual needs and work with partners to offer appropriate support aimed to sustain tenancies and minimise rent arrears. The rent collected enabled the Council to maintain and improve its homes and to provide effective landlord services.

Cabinet was informed that these policies complied with the Regulator of Social Housing's revised Consumer Standards that had come into effect from 1 April 2024.

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

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

RESOLVED that Cabinet –

- (a) approves and formally adopts the Housing Domestic Abuse Policy, the Neighbourhood Management Policy and the Rent Setting and Collection Policy;
- (b) authorises their direct and immediate implementation, subject to the call in process; and
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder responsible for Housing, to make future updates or amendments to these policies.

52. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE AND PUBLIC REALM PORTFOLIO HOLDER - A.6 - SPORT AND ACTIVITY STRATEGY FOR TENDRING

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.6), which presented a five-year Sport and Activity Strategy for its adoption, taking into account stakeholder comments, and following a public consultation process.

Cabinet recalled that, at its meeting held on 12 March 2024, it had considered a draft Sport and Activity Strategy and had agreed to initiate a consultation process on the document. Following that six-week consultation, Cabinet was now presented with a final version of an evidence-based Sport and Activity Strategy, to support delivery of the Council's priorities as set out in the newly adopted Corporate Plan. This strategy would set the direction for the Council's focus on supporting residents to become more physically active and working with partners to improve quality of life for local people.

Members were reminded that research by the Department of Health had demonstrated that increasing activity levels would contribute to the prevention and management of over 20 health conditions and diseases. Adoption of this strategy and the

accompanying action plan could support increased participation in physical activity levels in the District, from a historically low base, to improve health outcomes and all-round quality of life for local people.

Following conclusions drawn from the evidence base of the strategy and the consultation submissions, the following strategic objectives were considered to be key in delivering quality outcomes for local people:-

1. *Support improvement to Tendring wide health outcomes*
2. *Improve quality of life for all local people*
3. *Long term sustainability & quality of Sports Facilities and wider community offer*
4. *Ensure every resident is included in sport and active wellbeing*

It was noted that the strategy had been presented with a detailed action plan, to impact on all of objectives set out above. At their March 2024 meeting, Cabinet had allocated a one off sum of £122,530 from the budget for the former Joint Use Facilities towards the action plan. Although it would not be possible for the Council to fund all the actions listed, adopting an action plan would allow the Council to proactively identify external funding opportunities and link projects to future developer contributions/Section 106 monies. It was further recommended through the Portfolio Holder's report that a balance of £24,490 from a grant funding pot previously agreed by Cabinet to support users of the former Joint Use Facilities at Harwich and Brightlingsea Sport Centres, be allocated to support delivery of the action plan, bringing the total allocated to date to the delivery of actions within the delivery plan to £147,020.

Members were informed that a key focus of this work was to ensure that all residents felt represented by the strategy and were afforded increased opportunities to become 'active where they live.' This could be achieved by a much wider focus on community activity in all areas of the District, through supporting and facilitating local clubs, organisations and partners to continue and extend their important work. Building on the success of the Sport England Local Delivery Pilot Scheme (LDP), the Council had a role in supporting more active lifestyles in all areas of the District.

In order to facilitate, support and influence the Tendring sport and activity community to deliver the District wide focus of the strategy, at their March 2024 meeting, Cabinet had also endorsed the appointment of a two-year fixed term Community Sport and Activity Manager. This post would lead on promoting more sport and activity around the District through support for partners, clubs, organisations and sourcing additional funding for approved projects. This position could be part funded by vacant posts in the Sports Facility establishment and the budget allocated to support delivery of the final strategy.

It was felt that the strategy also set out clear aspirations to work with health partners in creating a new state of the art Active Wellbeing Centre in Tendring. This centre would include health and leisure facilities together in one place and act as a central hub linked to others across the District. Progress would be subject to funding agreements with partners, but this exciting proposition would align with national strategies and presented an opportunity for significant transformation and to create a national standard in this approach. At their March 2024 meeting, Cabinet had commissioned a feasibility study to explore the options and implications for developing a new Active Wellbeing Centre in the District; and this work was due to commence in September 2024. In addition to this, there was a commitment to review the current Sport Facilities in light of this development, to put the whole leisure estate on a sustainable financial footing. In order

to inform this aspiration to develop such a facility, it was recommended that a feasibility study be commissioned to ensure all appropriate implications were considered in any future decision making.

Cabinet was advised that, during the consultation period, the Council had considered comments on the strategy from local organisations, clubs, partners, education professionals, national governing bodies for sport (NGBs) and residents. Following an engagement process, the final strategy had been refreshed following due consideration of the feedback, both through online questionnaires and the stakeholder sessions which had been organised. A summary of feedback was included in the consultation section of the Portfolio Holder's report (A.6) and the outcome of the online resident's survey was included as Appendix B to that report.

In order to adopt a strategic approach towards sport and physical activity and to support local people and local communities to increase participation around the District:-

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

RESOLVED that –

- (a) the Sport and Activity Strategy 2024 – 2028, as set out at Appendix A to the Leisure and Public Realm Portfolio Holder's report (A.6), be approved and formally adopted;
- (b) in addition to the £122,530 assigned by Cabinet to the Sport and Activity Strategy at their meeting held on 12 March 2024, a further sum of £24,490, being the remaining balance from previously agreed Joint Use Sports Centre grant funding, be hereby allocated to support the delivery of the action plan; and
- (c) the Portfolio Holder for Leisure and Public Realm be authorised to prioritise the key actions from the Sport and Activity Strategy and the subsequent allocation of the approved Sport and Activity Strategy budget.

53. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - EXTERNAL FUNDING REVIEW

Cabinet considered a report of the Partnerships Portfolio Holder (A.7), which proposed a revised approach and process for the Authority to make decisions in respect of External Funding for allocating grant funding and/or other financial assistance / support in the future, in line with the Council's Corporate Vision and Priorities.

It was reported that the revised approach set out the parameters for allocating funding to ensure a consistent approach was followed and supported by Portfolio Holder decisions. Although a high level framework and checklist approach was recommended for approval through this Portfolio Holder report, further to this decision, an External Funding Policy would be developed and submitted to the Audit Committee in order to support the governance around the allocation of External Funding.

Cabinet was informed that the External Funding Policy would be approved by the Leader of the Council, acting in his capacity as Portfolio Holder for Corporate Finance and Governance, as to be adhered to and applying across the Council for all areas, not just within specific portfolio responsibilities. However, in the interim the high level

framework would apply with immediate effect to all external funding and should be followed prior to the expiry of any existing arrangements.

Having considered existing provision across the organisation, the Council's Corporate Plan and Priorities, legislative requirements, and how external funding can be accepted and/or allocated in the future:-

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

RESOLVED that Cabinet –

- a) approves the External Funding High Level Framework, as set out in Appendix 1 to the Partnerships Portfolio Holder's report (A.7), which provides a process for the acceptance of external funding provision, a process for the provision of financial assistance to external bodies and other allocation of funding, with immediate effect;
- b) agrees that an External Funding Policy be developed for approval by the Leader of the Council, in his capacity as the Portfolio Holder for Corporate Finance and Governance, to complement the External Funding High Level Framework, and that it be presented to a future meeting of the Audit Committee for their support and assurance on the governance processes; and
- c) requests that external and internal communication on the Council's new arrangements for External Funding be undertaken ensuring the Council complies with its obligations under its Best Value Duty and statutory guidance.

54. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.8 - HOUSING OMBUDSMAN FINDINGS AND OTHER INCIDENTAL AND RELATED MATTERS

Earlier on in the meeting, as detailed under Minute 42 above, Councillor Chapman BEM had declared an interest in this item insofar as she had had contact with the individual concerned in 'Complaint 1' (202302247). Councillor Chapman therefore withdrew from the meeting at this time.

Members were reminded that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission had given rise to maladministration. This Monitoring Officer report (A.8) concerned actions that the Housing Ombudsman had determined were maladministration/service failings. The report set out two findings by the Housing Ombudsman since the last meeting of Cabinet.

Cabinet was advised that this report was also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Housing Ombudsman.

It was reported that the Housing Ombudsman had recently determined two complaints received by it and had found that there had been maladministration in those two cases. Summaries of the two cases were set out in the Monitoring Officer's report. Through this report, the Monitoring Officer was bringing the matters to the attention of the Cabinet as the matters concerned executive functions of the Council. Cabinet was particularly requested to note the findings/orders/recommendations from the Housing

Ombudsman, the compliance with those matters by the Council and the wider learning points set out.

In addition, within the 'Background' section of the Monitoring Officer's report there were other incidental and related matters concerning the Council's compliance with the Ombudsman's Code, complaints performance and service improvement and an intention to report to the Audit Committee (on 26 September 2024) in relation to the Local Government and Social Care Ombudsman's Annual Letter for 2023/24 in respect of complaints submitted to that Ombudsman Service.

Having duly considered the information provided in the Monitoring Officer's report and to comply with the Constitution:-

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

RESOLVED that Cabinet notes the Monitoring Officer's report (A.8) and, in particular:-

- (a) the findings/orders/recommendations from the Housing Ombudsman in the two cases covered by this report, the compliance with those matters by the Council and the wider learning points set out; and
- (b) the incidental and related matters concerning the Council's compliance with the Ombudsman's Code, complaints performance and service improvement and the intention to report to the Audit Committee (on 26 September 2024) in relation to the Local Government and Social Care Ombudsman's Annual Letter for 2023/24 in respect of complaints submitted to that Ombudsman Service.

The Meeting was declared closed at 11.18 am

Chairman