



RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

DATE:	Tuesday, 19 September 2023
TIME:	7.30 pm
VENUE:	Sunspots - Sunspots, Brooklands, Jaywick, Clacton-on-Sea

MEMBERSHIP:

Councillor P Honeywood (Chairman)
Councillor M Cossens (Vice Chairman)
Councillor Bensilum
Councillor Doyle
Councillor Griffiths

Councillor S Honeywood
Councillor Newton
Councillor Smith
Councillor Steady

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DATE OF PUBLICATION: Monday, 11 September 2023

AGENDA

1 Apologies for Absence and Substitutions

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

2 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Thursday 27 June 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

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

5 Deputy Leaders Introduction to the Economic Growth, Regeneration and Tourism Portfolio and its Focus.

The Deputy Leader, Councillor Ivan Henderson, has been invited to provide a short introduction to the Committee on his focus in respect of his portfolio.

[Note: At each meeting of the Committee a different Portfolio Holder will be invited to address it on the focus for the separate Portfolios]

6 Review of the Work Programme (Pages 5 - 30)

The report provides the Committee with an update on its approved Work Programme for 2023/24 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respect of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

7 Post Delivery Scrutiny of the Sunspot Commercial Workspace (Pages 31 - 40)

The focus of the report is a post delivery scrutiny of the Sunspot commercial workspace in Brooklands, Jaywick Sands including funding arrangements, management arrangements and details of the lettings.

At this meeting the intention is to concentrate on the findings, costings, and project management around the project to the build complete point.

8 Corporate Plan (Our Vision) Consultation (Pages 41 - 54)

The report considered by Cabinet on 21 July 2023 in respect of the developing Corporate Plan themes and consultation on those themes is attached for consideration by the Committee.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Resources and Services Overview and Scrutiny Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Tuesday, 12 December 2023.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 27TH JUNE, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors P Honeywood (Chairman), M Cossens (Vice-Chairman), Bensilum, Griffiths, S Honeywood, Newton, Smith, Steady and Sudra
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Bethany Jones (Committee Services Officer) and Keith Durran (Committee Services Officer)

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Thompson (with Councillor Sudra substituting).

18. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on Monday 13 March 2023, were approved as a correct record.

19. DECLARATIONS OF INTEREST

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

20. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor submitted notice of a question.

21. WORK PROGRAMMING INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SCRUTINY OF FORTHCOMING DECISIONS

The Committee heard an update on the Work Programme item from the Head of Democratic Services and Elections (Keith Simmons).

The Work Programme

In considering the Work Programme of enquiries, the Committee regarded the Corporate Plan 2020-24 and the themes of that Corporate Plan were:

- Delivering High Quality Services
- Building Sustainable Communities
- Strong Finances and Governance
- A Growing and Inclusive Economy
- Community Leadership through Partnerships

The Committee was made aware that the Corporate Plan for 2024-28 was currently being worked on and provisions would have to be reviewed once the new Plan was adopted.

An invitation had been sent to Councillors on 16 May 2023 asking for their input into the development of both Overview and Scrutiny Committees Work Programmes.

Responses were received from three Councillors that included the following suggestions in relation to this Committee:

- Enforcement
- Refuse and Recycling
- Street cleaning
- Leisure centres

An Informal meeting of the members of the Resources and Services Overview and Scrutiny Committee was held on Tuesday 13 June 2023 at which time the suggestions around equal enquiries as were set out in Appendix D of the report.

The Committee agreed upon the following items to be included in its draft Work Programme 2023/24 and submitted to Full Council for consideration (each item included the more detailed scope of the enquiries).

- Council Enforcement arrangements, Task and Finish Group
- Scrutiny of Budget Proposals
- Post Delivery Scrutiny of Sunspots Commercial Workspace
- Carbon Neutral by 2023
- To consider particular services/functions of the Council that should or could be Self-Funding
- On street parking arrangements in the District
- A review of the Council's Open space management
- The Council's Waste Collection, recycling and street cleaning arrangements

After a short debate the Committee **RESOLVED** that:

- a) the Committees Work Programme (as set out at Appendix D) to the report be approved and recommended to Council on 11 July 2023 for adoption
- b) To authorise officers subject to the recommendation in a) above being appropriate, in consultation with the Committee Chairman, to formally constitute and appoint members to a Task and Finish Group to undertake the overview and scrutiny enquiry into 'Council Enforcement Arrangements'.

The Committee discussed the value of inviting to each of the next several meetings of the Committees, a different Portfolio Holder to address it on the focus for their Portfolio. The suggestion gained broad agreement from the Members of the Committee. The first such invitation could be for the Committee's next ordinary meeting (in September 2023).

The Committee **NOTED** the remainder of the report.

22. JOINT ANNUAL SCRUTINY REPORT

The Committee was presented with Draft Annual Scrutiny Report as it related to work undertaken by this Committee during the year 2022/23.

The Committee **RESOLVED** to approve the Annual Scrutiny Report in so far as it related to the work of this Committee in 2022/23 and authorise its submission to Council.

The meeting was declared closed at 8.44 pm

Chairman

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

19 SEPTEMBER 2023

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

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

(Report prepared by Keith Durran)

PURPOSE OF THE REPORT

The report provides the Committee with an update on its approved Work Programme for 2023/24 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

INVITEES

None.

BACKGROUND

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

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

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

The inclusion of the matters set out in the “purpose of this report” section above seeks to further re-inforce the inter-relationship of the matters referred to. As such, it is designed to further support consideration of work programming of the Committee and contribute to addressing progress with the Corporate Plan.

DETAILED INFORMATION

WORK PROGRAMME 2023/24

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

- (1) Work Programme for 2023/24 – See Appendix A;
- (2) feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken – see Appendix B; and
- (3) a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee’s last meeting – See Appendix C.

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

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

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

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

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

The Resources and Services Overview and Scrutiny Committee is one of two overview and scrutiny committees established by the Council to specifically focus on the following areas of Council work (as detailed in Article 6.02(i) of the Council’s Constitution):

“To perform the role of Overview and Scrutiny and its functions in relation to:

- *The Chairman and the Vice-Chairman of the Committee will normally be Members of a political group that is not represented on the Cabinet. The Committee will hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.*
- *To perform the role of Overview and Scrutiny and its functions in relation to the effective use of the Council’s resources including approval of discrete researched and evidenced reviews on the effectiveness.*

Financial Forecast Budget setting and monitoring (including General Fund & Housing Revenue Account)

- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)*
- *Procurement and Contract Management*
- *Transformation and Digital Strategies*
- *Customer Service and Standards*

The Constitution provides for the two overview and scrutiny committees to submit a work programme to full Council for approval. Rule 7 of the Overview and Scrutiny Procedure Rules sets out the position as follows:

“Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year’s activities to the full Council for approval. In addition it will be responsible for co-ordinating and prioritising its work programme on an ongoing basis.

In preparing, co-ordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- *The General Role and Principles of undertaking its functions, as set out in Part 2 Article 6;*
- *The planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council’s Business Plan;*
- *The need for statutory timetables to be met;*
- *The wishes of all members of the committee;*
- *Requests from the Cabinet to carry out reviews; and*
- *Requests from Group Leaders in accordance with Rule 8.”*

The Committee should be aware that at present the Corporate Plan for 2024-28 is currently being worked on and provisions may have to reviewed once the new Plan is adopted.

To constitute the “Council Enforcement Arrangements” Task and Finish Group

On 17 August 2023, The Head of Democratic Services and Elections, under instruction from the Chairman of the Resources and Services Overview and Scrutiny Committee, publish the decision of the membership of the “Council Enforcement Arrangements” Task and Finish Group.

This comprised of several different political groups (3 Conservative, 2 Tending Independents and 1 Labour Group Councillors). The size of the Task and Finish Group is considered near to optimal with a view to securing good representation at each meeting of the Group while not making the work of the Task and Finish Group too burdensome on the Members involved in the enquiry. All the members of the Task and Finish Group have volunteered to serve on it and two of the six Members are drawn from outside of the Membership of the ‘parent’ Resources and Services Overview and Scrutiny Committee.

Authority for the decision derives from Minute 5 of the Resources and Services Overview and Scrutiny Committee on 27 June 2023. That provided for Officers to be authorised, in consultation with the Committee Chairman, to make appointments to a Task and Finish Group to undertake the enquiry into ‘Council Enforcement Arrangements’ as approved by Council (Minute 37 of 11 July 2023).

Cllr Paul Honeywood – Chairman of the Resources and Services Overview and Scrutiny Committee - was consulted on the proposed decision and confirmed he was content for the decision to be made.

Decision:

(1) To constitute a Task and Finish Group on behalf of the Resources and Services Overview and Scrutiny Committee. The Task and Finish Group shall have the following name “Council Enforcement Arrangements Task and Finish Group”

(2) To note that the full Terms of the enquiry to be undertaken through the Task and Finish Group referred to in (1) above (as approved by Full Council) are set out at OSC Work Programme 2023 24 - Council Enforcement Arrangements.

(3) To appoint the following Councillors to the Task and Finish Group:
Cllr Paul Honeywood (Chairman), Cllr M Cossens, Cllr Sue Honeywood, Cllr Morrison, Cllr Smith and Cllr Sudra.

The first meeting of the Task and Finish group is Thursday 14 September 2023.

RECOMMENDATION

That the Committee considers and notes the progress with enquiries set out in its Work Programme 2023/24, feedback to the Committee on the decisions in respect of previous recommendations and the list of forthcoming decisions; and

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**RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE
FOR ENQUIRIES TO BE UNDERTAKEN IN 2023/24**

Work Programme

[Work Programme for 2023/24 outlining the planned for enquiries.]

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
<p>Council Enforcement arrangements, including: (a) Planning Enforcement (and other areas) where decisions are taken ‘in the public interest’ whether to take particular enforcement action. To look at written statements to support the basis of such judgements and the matters demonstrably weighed up in reaching such decisions,</p>	<p>14 September 2023</p> <p>Through a Task and Finish Group established by the Committee</p>	<p>Delivering High Quality Services - Effective regulation and enforcement</p>	<p>Details of the adopted Corporate Enforcement Policy and the intended review date for that policy, training to officers on common elements of enforcement and relevant service area enforcement policies.</p> <p>Details of the extent to which the Corporate Enforcement Group has provided the route to ensuring a corporate consideration to utilising different enforcement powers to address e.g. problem premises.</p> <p>Written statements on the judgement to be</p>	<p>Portfolio Holder for Planning and Housing</p> <p>Director of Planning</p> <p>Portfolio Holder for Environment</p> <p>Corporate Director for Operations and Delivery</p>	<p>To identify the extent to which here are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect.</p>

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<p>(b) The existing and possible opportunities for information to be provided by Ward Councillors in respect of matters which may attract enforcement action and decisions to not take enforcement (given the unique role of Councillors in representing their Ward).</p> <p>(c) The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.</p>			<p>applied when determining whether it is or is not in the public interest and example records where that weighed judgement has been set out (suitably redacted).</p> <p>Numbers of fly tipping instances recorded by the Council by quarter for the past five years in respect of public land and the measures taken to deter fly tipping.</p> <p>The policy and experience of the use of deployable CCTV cameras as part of enforcement (including covert and overt use).</p>		
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<p>(d) The experience of fly tipping on public land and the actions to deter such fly tipping (e) The use of mobile CCTV cameras overly and covertly to identify offences and, potentially, offenders.</p>					
<p>Scrutiny of the Budget proposals for 2024/25</p>	<p>Currently programmed for early January 2024 (Consideration will be given to the arrangements for scrutiny and proposals will be brought forward)</p>	<p>Strong Finances and Governance - Balanced annual budget - 10 year financial plan - Effective and positive Governance</p>	<p>The Medium Term Financial Strategy, Budget proposals and variations (with reasons) from 2023/24, details of fees and charges and reserves/provisions. The emerging/approved corporate plan for 2024-28.</p>	<p>Leader of the Council (the Portfolio Holder for Finance and Governance)</p>	<p>To provide the envisaged reality check on budgets and financial plans prior to their approval and ensure that there are clear links between budget setting and strategic/operational plans</p>
<p>Post delivery scrutiny of the Sunspot commercial workspace in Brooklands, Jaywick Sands. The development consists of up of</p>	<p>Main Committee on 12 September 2022</p>	<p>A Growing and Inclusive Economy - Develop and attract new businesses - More and better jobs</p>	<p>Details of the funding arrangements for the development of - £2.39million from the Government’s Getting Building Fund (through, the South East Local Enterprise Partnership),</p>	<p>Deputy Leader (Portfolio Holder for Economic Growth, Regeneration & Tourism)</p>	<p>To look at the original plans for the development, how those plans changed and the extent to which the objectives of the</p>

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<p>24 low-cost business units, including six seafront shopfronts, as well as a covered market and event hall. It will also include a café, public toilet and community garden, along with new pavement provision and covered bus stop along Brooklands. The development, which is in partnership with Essex County Council and the South East Local Enterprise Partnership.</p>		<p>Building Sustainable Communities for the Future - Jaywick Sands - supporting the community</p> <p>Strong Finances and Governance - Use assets to support priorities</p>	<p>£2.04million from Essex County Council and £816,000 from Tendring Council. The initial costings for the development and the reasons for increases in the costings and the extent of project management around the development.</p> <p>Arrangements for the management of the development – initially and then subsequently – and the reasoning for the changes.</p> <p>Details of lettings of the business units, shops and café and use of the covered market and event hall.</p>	<p>Corporate Director (Place and Economic Growth)</p>	<p>development have been/will be met.</p> <p>To conduct a cost-benefit analysis related to the financial investment in the development.</p> <p>To look at lessons learned around the management of this development project for wider project management and major schemes in the Council</p>
<p>Carbon Neutral by 2030. To review progress against the Council’s current Climate Change Action Plan and the emerging</p>	<p>The Committee’s meeting on 12 December 2023</p>	<p>Delivering High Quality Services/ A7 - Carbon Neutral by 2030</p>	<p>The reports considered by the Climate Change Portfolio Holder Working Party prior to the adoption of the Council’s current Climate Change Action Plan</p>	<p>Not applicable</p>	<p>To ascertain progress against the Action Plan 2020-2023 prior to the end of the period of the Action Plan and inform a process of informing the</p>

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<p>proposals for the next Climate Change Action Plan</p>			<p>The current Climate Change Action Plan</p> <p>An evaluation of achievements against the Climate Change Action Plan</p> <p>The emerging revised Climate Change Action Plan</p> <p>An evaluation of the anticipated extent to which the Council will achieve the stated aim of net Carbon Neutral by 2030.</p>		<p>development of the Action Plan for the next period towards the 2030 net zero policy objective.</p>
<p>To consider particular services/functions of the Council that should or could be Self-Funding (and thereby not be a call on the General Fund) and identify the extent to which they are self-funding and/or the measures needed to move them to being self-funded.</p>	<p>A Task and Finish Group to be established by the Committee at its meeting on 12 September 2023</p>	<p>Strong Finances and Governance</p> <ul style="list-style-type: none"> - Balanced annual budget - 10 year financial plan <p>Effective and positive Governance</p>	<p>Details of the services/functions that the Council considers should and could be self funding.</p> <p>Details of the services/functions concerned and the associated income and expenditure for those services (including appropriate recharges)</p>	<p>Leader of the Council (Portfolio Holder for Finance and Corporate Governance)</p> <p>Assistant Director for Finance and IT</p> <p>Appropriate Portfolio Holders (to be determined based on the</p>	<p>To assess and report on the extent to which services and functions that should and could be self funding are so funded and what steps could/should be taken to ensure those services/functions are self funded. There may be further recommendations</p>

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				<p>services/functions concerned)</p> <p>Appropriate Officers (to be determined based on the services/functions concerned)</p>	<p>around the scope of these services/functions based on the ability to cover the cost of the same in the future.</p>
<p>The following emerged from a meeting under the Council’s Cabinet Scrutiny Protocol on 20 June 2023</p>					
<p>On street parking arrangements in the District – and parking PCNs, Permits, Traffic Regulation and enforcement. The Council’s participation in the North Essex Parking Partnership (NEPP), the work and business model of the Partnership.</p>	<p>To be allocated. (It may be that this is established as a joint Task and Finish Group – with Community Leadership Overview and Scrutiny Committee)</p>	<p>Community Leadership Through Partnerships</p> <ul style="list-style-type: none"> • Joined up public services for the benefit of our residents and businesses <p>Strong Finances and Governance - Use assets to support priorities</p>	<p>The business Model of the NEPP.</p> <p>The agreement for the NEPP.</p> <p>The use of Tendring District Council Officers to undertake enforcement of on-street parking restrictions.</p> <p>The current position in relation to the use of camera enforcement cars in the District.</p> <p>Information on scrutiny undertaken or proposed in the other partners of the NEPP – including Epping Forest, Harlow,</p>	<p>Representatives of Councillors on the NEPP</p> <p>Councillor Lee Scott, Essex County Council’s Portfolio Holder for Highways Maintenance and Sustainable Transport.</p> <p>This Council’s Portfolio Holder for Environment</p> <p>This Council’s Corporate Director for Operations and Delivery</p>	<p>To consider this partnership and the role of the Council within the Partnership, the overall financial risks to the Council and the work of the Partnership to support road safety e.g. outside of schools and short term parking in shopping areas and its contribution to the economic success of those shopping areas.</p>

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			<p>Uttlesford, Braintree and Colchester Councils.</p>		
<p>A review of the Council's Open space management/ Maintenance arrangements, policies and budget.</p>	<p>To be allocated</p>	<p>Delivering High Quality Services - Public spaces to be proud of in urban and rural areas</p> <p>Community Leadership Through Partnerships - Joined up public services for the benefit of our residents and businesses</p>	<p>Policies around open space management/ maintenance including levels and frequency of grass cutting, floral displays, wilding.</p> <p>Arrangements for securing seasonal staff to undertake the work at the required time.</p> <p>Details of all the open spaces that are maintained/managed by the Council and confirmation of ownership by the Council.</p> <p>Detail of the budget for open space management/ maintenance over the past five years</p> <p>Details of any known areas adjacent to Council Open Space tht is managed/maintained of Open Space</p>	<p>Portfolio Holder for Leisure and Public Realm</p>	<p>To review the policy position and experience and review the resources applied and the opportunities for joint working.</p>

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			managed/maintained by others such as Housing Associations and Town/Parish Councils		
<p>The Council’s Waste Collection, recycling and street cleaning arrangements. This will include looking at kerb side and bring site recycling and the generation of recycling credits. It will also include the paid for garden waste collection service.</p>	<p>Off-Agenda Briefing Note by the end of September 2023</p>	<p>Delivering High Quality Services</p> <ul style="list-style-type: none"> - Minimise waste; Maximise recycling 	<p>Details of the current contracts for waste collection, recycling and street cleansing and the planned activity to provide services after the end of the current contract terms.</p> <p>The budget spend and income for all areas in the scope of this review over the last five years.</p> <p>Recycling figures for all recyclable materials across the bring sites and overall residual waste and recycling rates per quarter for the District over the last five years.</p> <p>Numbers of missed bin collections reports by quarter over the last five years</p>	<p>Portfolio Holder for the Environment</p> <p>Corporate Director for Operations and Delivery</p>	<p>To assist the Committee to determine areas for scrutiny activity in the remaining period of the contract and to support contributions to the policy development in anticipation of the start of new arrangements at the end of the current contract term</p>

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Resources and Services Overview and Scrutiny Committee 12 September 2023

RECOMMENDATIONS MONITORING REPORT

(Prepared by Keith Durran)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<p><u>This Committees meeting on 13 March 2023 (Minute 16 refers)</u></p> <p><u>PLANNING ENFORCEMENT</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>That Cabinet be requested -</p> <p>1) To note that, in recent months, following the establishment of the Working Group and the introduction of a new Planning Manager and a new Planning Enforcement Team Leader, and with the full cooperation of the Planning Portfolio Holder and key Officers, notable improvements in the Council’s planning enforcement function have already been made in response to issues raised and suggestions put forward. These include:</p> <ul style="list-style-type: none"> • the update and subsequent adoption of a new Planning Enforcement Policy and 	<p><u>These recommendations are submitted to Cabinet to be heard on 23 June 2023.</u></p> <p><u>The Cabinet report included the proposed response of the Portfolio Holder as follows:</u></p> <p><i>“I look forward, as the new Portfolio Holder for Planning, to working with the Planning Service to bring forward an action plan to deliver on the recommendations in this report. That action plan will be brought back to the Resource and Services Overview and Scrutiny Committee, working alongside the Audit Committee. We have already seeing big improvements in the work of our Planning Enforcement team in the last few months and I am</i></p>	

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<p>associated harm risk assessment to replace the previous version that had not been reviewed or updated since 2010;</p> <ul style="list-style-type: none">• an initial review, update and tidying of the Council's database of live enforcement cases to remove cases that have been closed, incorrectly recorded or otherwise superseded by events in order to establish a more accurate baseline of information;• more positive engagement of Planning and Planning Enforcement Officers in the Council's Corporate Enforcement and Operation Enforcement Groups to improve working across services on a wide range of enforcement matters;• a notable improvement in the willingness of Officers to engage and communicate with Councillors, members of the public and other interested parties in	<p><i>confident that we can build upon these going forward.”</i></p>	
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<p>recognition of the concerns raised previously;</p> <ul style="list-style-type: none">• a notable reduction in the Planning Enforcement Team's reliance on the Council's legal Officers for advice and assistance in carrying out planning enforcement duties; and• a concerted effort to recruit new Officers to the Planning Enforcement Team on a permanent basis and by utilising channels to attract ex Police and armed services personnel with relevant transferable skills. <p>2) to act to retain the planning enforcement function in-house and to support continued efforts to reduce the Council's reliance on temporary staff employed through agencies and to recruit permanent staff to the Planning Enforcement Team by utilising channels aimed at targeting ex Police and armed forces personnel with transferable skills</p>		
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<p>and with the offer of on-the-job training and development;</p> <p>3) To require Officers to undertake a specific and immediate update to the Planning Enforcement Policy and associated harm risk assessment to incorporate changes, , that are aimed at improving clarity, relevance and effectiveness and for the updated version to be reported to the Planning Committee for its consideration and approval at the earliest meeting practicable;</p> <p>4) To thereafter require Officers to undertake an automatic review of the Planning Enforcement Policy and associated risk harm assessment every four years for the Planning Committee's consideration and approval to ensure it is kept up to date and responds accordingly to changes in law, policy, circumstances and trends in enforcement-related activity – allowing for earlier reviews where necessary;</p> <p>5) To empower the Director of Planning, in consultation with the Chairman of the</p>		
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A.1 APPENDIX B

<p>Planning Committee and the Monitoring Officer, to escalate and expedite (as appropriate) enforcement action where there are considered to be exceptional matters of public interest with implications for the reputation of the Council that are not necessarily identified through the standard scoring approach in the harm risk assessment;</p> <p>6) To require Officers to prepare quarterly reports on enforcement caseload and performance to go to the Planning Committee, for information, which will contain data on the:</p> <ul style="list-style-type: none">• number of complaints received/registered in the quarter;• number of cases closed in the quarter;• number of live cases presented by category, electoral ward and time period since receipt; and• enforcement-related appeal decisions;		
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<p>7) To support the continued work of the Council's internal Corporate Enforcement Group and Operational Enforcement Group in considering cross-service and cross-body enforcement matters;</p> <p>8) To require Officers to continue the process of reviewing cases recorded on the database system to remove closed/irrelevant cases and re-categorising them to provide an accurate baseline for case management and reporting of data going forward;</p> <p>9) To require Officers to provide an annual training session, held in person, for all District Councillors covering the powers, policy and processes around planning enforcement together with case-study examples and exercises – with the first training session to be held within the two months following the May 2023 local elections (and following subsequent local elections);</p> <p>10) To reiterate that any Councillor who is a member of the Planning Committee (either as a permanent or designated</p>		
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substitute Member) must attend the planning enforcement training as a mandatory requirement;

11) To request the Director of Planning offer or facilitate similar training sessions for Town & Parish Councils;

12) To ensure that Officers incorporate within internal systems, reminders to automatically update complainants, interested Ward Councillors and other relevant parties (where appropriate) every 21 days with information on the progress of cases – even if it is to advise of no or limited progress – unless earlier or more frequent updates can be given or are required (these 21-day reminders will follow the initial 21-day notification currently in place following the receipt of a complaint);

13) To ensure that Officers respond within 48 working hours, to emails from Councillors relating to planning enforcement matters so they can be suitably informed when advising members of the public;

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14) To note that a significant proportion of live enforcement cases in the District relate to breaches of occupancy conditions at caravan and holiday parks, many of which are complex, sensitive and long-standing with a variety of issues to be taken into account. To resolve these breaches in full and deal with the implications thereafter would require significant additional and dedicated resources. It is therefore recommended that the Planning Policy and Local Plan Committee be asked to consider developing a strategy or policy to guide a coordinated and long-term approach to the application and enforcement of occupancy conditions across the District having regard to matters such as impact on the tourism industry, flood risk, health and safety, quality of life, ecology, disability and homelessness;

15) To ensure that for site inspections, Officers:

- i. must always use Council equipment for capturing photographs and other data;

A.1 APPENDIX B

<p>ii. and are supplied with hi-visibility clothing (preferably labelled 'Tendring District Council Enforcement')</p> <p>16) To ensure that Officers pro-actively monitor compliance with planning conditions and obligations wherever practical and where resources allow – and work constructively with owners, developers and applicants to identify and resolve potential future compliance issues before they give rise to a breach of planning control and possible enforcement action;</p> <p>17) To ensure that the Planning Service consider incorporating standard advice into pre-application responses and validation requirements for applications setting out, and seeking agreement to, the Council's expectations for development to be carried out with the necessary consents and compliance thereafter with any planning conditions or obligations imposed;</p> <p>18) To ensure that Officers review and update the form on the Council's website</p>		
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A.1 APPENDIX B

for reporting enforcement complaints to make it more user-friendly and to allow complainants to provide as much information as they can to describe the issue they wish to report; and

19) To request the Director of Planning considers, on a case-by-case scenario and in liaison with the Council's Communications Manager, publicising successful enforcement outcomes to demonstrate the Council's commitment to planning enforcement.

20) To request the Monitoring Officer to consider the appropriate body to which individual recommendations are/should be directed and, where appropriate, refer those recommendations to those bodies. The outcome of this process shall be reported to Cabinet when it receives the reference report from this Committee on the outcome of this enquiry.

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<p><u>This Committees meeting on 13 March 2023 (Minute 15 refers)</u></p> <p><u>PROCUREMENT AND CONTRACT MANAGMENT</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>RECOMMENDED TO CABINET THAT:</p> <p>a) the Council’s Contract Register is brought up to date as soon as possible, with services across the Council providing the necessary data on contracts held within their respective areas; and</p> <p>b) a Social Value Policy for Procurement Purposes be produced for consultation with the Resources and Services Overview and Scrutiny Committee at a future meeting.</p>	<p><u>These recommendations are submitted to Cabinet to be heard on 23 June 2023.</u></p> <p><u>The Cabinet repot included the proposed response of the Portfolio Holder as follows:</u></p> <p><i>“Thank you to the Resources and Services Overview and Scrutiny Committee for its review in this area and to the previous Portfolio Holder for Corporate Finance and Governance being responsible for the Council’s procurement function. I endorse and support the recommendations from the Committee, the existing arrangement with Essex Council Council’s Procurement Team and the identified wider Shared Procurement Service project reported to Cabinet in March 2023, and I will update Cabinet and Members further throughout the year. We are committed to the Social Value Policy for Procurement Purposes, and this will form a work-stream for the team with our colleagues across Essex and workshops will be discussed”.</i></p>	
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Recommendations monitoring for those recommendations from earlier meetings of the Committee have been previously reported to the Committee and, as such, are not repeated here as there is no further update to be provided on them.

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APPENDIX C

Resources and Services Overview and Scrutiny Committee **12 September 2023**

OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS

(Prepared by Keith Durran)

The below forthcoming decisions are those published since 19 June 2023 – the publication date for the Committee’s last ordinary meeting.

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

DESCRIPTION OF DECISION	KEY DECISION – YES/NO	DECISION MAKER	Decision Due Date
Adoption of the Corporate Plan 2024-28	NO	Cabinet	28/11/23
Shared Procurement Service	YES	Cabinet	06/10/23
Reference from Council - E-Petition: Waste Management	YES	Cabinet	06/10/23
Release of Section 106 Money to Weeley Parish Council	YES	PfH - Leisure and Public Realm Portfolio Holder	23/06/23
LCTS and Council Tax Discounts/Premiums, Local Business Rate Relief Schemes and MRP Policy Statement 2024/25	YES	Cabinet	10/11//23
Approval New Housing Policy	YES	Cabinet	10/11/23
Reference from Council – Petition to Council: Beach Hut Lease Changes	NO	AD (Economic Growth & Leisure)	03/10/23
Sports Facilities Fees and Charges	YES	Cabinet	21/07/23
Reference from Council – E Petition: Brightlingsea Stench	NO	Cabinet	06/10//23

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

19 SEPTEMBER 2023

REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

A.2 POST DELIVERY SCRUTINY OF THE SUNSPOT COMMERCIAL WORKSPACE (Report by Barbara Pole)

PURPOSE OF THE REPORT

This report is required as part of the Resources and Services Overview and Scrutiny Committee's work programme 2023/24. The focus of the report is post delivery scrutiny of the Sunspot commercial workspace in Brooklands, Jaywick Sands including funding arrangements, management arrangements and details of the lettings.

INVITEES

None

BACKGROUND

The Sunspot (Jaywick Workspace) is a newly constructed building which will house 24 low-cost business units, including six seafront shopfronts, as well as a covered market and event hall/space. It will also include a café, public toilets and community garden, along with new pavement provision and covered bus stop along Brooklands.

Early interest in the building has been really strong with eight (33%) of the units being allocated to tenants prior to the building being handed over. Original forecasts were built on 10% occupancy. These units include all but one of the retail units, the large manufacturing unit and the café. By filling these units first the building will have a vibrancy from the start. Enquiries are still coming in on a regular basis but showing the tenants around has been now suspended until the building is handed over so that it doesn't interfere with construction.

Prior to constructing this development, which is in partnership financially with Essex County Council (ECC) and the South East Local Enterprise Partnership (SELEP), cabinet adopted the Council's Back to Business recovery plan at its meeting on 13 November 2020, which confirmed that a bid had been submitted to South East Local Enterprise Partnership for a new Covered Market and Managed Workspace facility at Jaywick Sands. Further to that, on 19 February 2021 Cabinet announced the success of that funding bid in the Back to Business Delivery Plan and their intention to deliver the project for Jaywick Sands, to 'support the local economy, grow local entrepreneurship, and grow and retain economic activity and job creation in the local area.'

In December 2020, the Council moved to procure its Professional Team (HAT Projects) to lead on the technical design and cost planning of the proposed building and to manage the construction phase through to completion and in February 2021, the Council selected an Operating Partner (COLBEA). COLBEA assisted HAT Projects with the Building Design (Space Planning) during the pre-construction and construction phases of delivery.

In January 2022, a report went to Cabinet which provided a summary of the project

progression and requested that TJ Evers were awarded the construction. On the 25th April 2022, TJ Evers took possession of the site.

DETAILED INFORMATION

1. DETAILS OF THE FUNDING ARRANGEMENTS

- **21st May 2021**

A report was presented to Cabinet by Tom Gardiner, Head of Regeneration seeking approval to develop the Covered Market and Managed Workspace facility.

Within the report it was announced that In September 2020 the Council applied to the South East Local Enterprise Partnership (SELEP) for funding under the Government's Getting Building Fund (GBF).

In November 2020 the Council were notified by the SELEP that its bid for funding to the value of £1.97m, had been successful. This award of funding, together with that allocated by the Council (£105,535), and by Essex County Council (£50,000), provided a total project fund of £2,127,535. It was also noted within the report that ECC were considering a further contribution of £300k

- **8th October 2021**

In a joint Cabinet report authority was sought to increase the Councils contribution for enabling works and for operational costs for year 1. A further allocation of £70,000 from the budget set aside to support housing in Jaywick was agreed and made available.

- **28th January 2022**

A Cabinet report requested a further £254,465 from Tendring District Council's New Homes Bonus to the Jaywick Sands Covered Market and Managed Workspace Project given the significant increase in construction costs demonstrated by tender returns. Also, to seek further external funding from partners and enter into agreement with them to meet the remaining gap in funding for the project.

The report stated that on 3 December 2021 the Council's cost consultants Potter Raper produced a revised cost appraisal based on the Council's tender pack and the latest market information on the cost of materials. This work indicated that the total construction cost of the scheme had likely increased from £2.1m to at least £2.7m.

On 6 December 2021 the Council received tenders from building contractors as part of the Council's procurement exercise, which came in significantly above the budget, with the lowest tender after value engineering at £3,877,239, over £1.1m greater than the cost consultant's recent estimate. This gave a total scheme value of £4,407,182, which is £1.98m over the total budget allocated of £2,427,000 to secure delivery.

This increased TDC's contribution to £430,000 with ECC contributing the extra £1,680,182 required.

- **11th March 2022**

An Informal Cabinet briefing note set out a number of emerging issues relating to the construction as well as increased costs due to an extension in the project timeline. This highlighted the fact that the original contingency was extremely low for this type of construction project.

To help reduce the impact of further rising costs it was proposed and agreed that the remaining funds within the existing Business Investment and Growth Budget of £411,000 would be held in reserve and used to bolster the contingency if required.

- **19th December 2022**

A decision was published and Letters of Concurrence were received to accept further

funding from SELEP.

This resulted from the Council being notified by the SELEP that due to a couple of SELEP GBF projects not being able to deliver, £3.2m additional GBF funding became available for all GBF projects to bid for. Therefore, in September 2022 Tendring District Council (TDC) submitted a further bid for £410k which included funding for unforeseen contamination and underground obstructions costs as well as the possibility of funding omitted items removed from the project to reduce costs.

In November 2022 the Accountability Board awarded TDC a reduced amount of £300,879 with the possibility of further funding at a later date. This funding was added to the original agreement with SELEP.

In January 2023 TDC were notified that they had been granted the additional £118k bringing the total additional funding to £410k as requested.

- **17th February 2023**

A report went to Cabinet regarding the operational management of the Sunspot setting out the changes required to the budget and informed members that an estimated additional cost of £170k was required to support years 1 and 2 of the building. This additional cost would need to be moved from the projects capital account to a revenues account and has been allocated from the £411k held in reserve.

- **UK Shared Prosperity Fund (UKSPF)**

An allocation of £41k from year 1 of the UKSPF was granted. This allocation had a split of £10k capital which was allocated to the construction costs and £31k revenue which was allocated towards a contract with Colbea to support the opening of the building and securing tenants.

A further £10k has been allocated from year 2 of UKSPF to fund a community open day to launch the building and to introduce the tenants to the residents of Jaywick.

2. ARRANGEMENTS FOR THE MANAGEMENT OF THE BUILDING

In December 2020, the Council moved to procure its Professional Team (HAT Projects) to lead on the technical design and cost planning of the proposed building and to manage the construction phase through to completion and in May 2021, the Council selected an Operating Partner (Colbea). Colbea assisted HAT Projects with the Building Design (Space Planning) during the pre-construction and construction phases of delivery.

In October 2021, Cabinet gave their approval to make a direct award to Colbea as Operating Partner for Jaywick Sands Covered Market and Managed Workspace, based on a Licence to Occupy and Service Contract, and to increase the Council's financial contribution for enabling works and the operating costs of the facility for year one.

On the 17th February a report went to Cabinet requesting that the management of the Sunspot was no longer outsourced to a third party but delivered by the Council in-house. The report stated:

- After a change of management at Colbea, the organisation have subsequently informed the Council they are no longer in a position to take on the licence agreement, which may have been driven by the financial risk associated with the building. These risks will therefore remain with the Council, as set out in elsewhere in this report. Colbea do however remain content to enter into a service contract for a period of 7 months. In order to increase their capacity to deliver at pace however, Colbea will partner with HAT projects for additional support. Colbea have also

offered a further service once the 7 months activation period has ended, which will consist of drawing on their specialist expertise in this area to manage staff within the building, until such a time as Council staff are fully trained and self-sufficient.

- As a result of this change in position, it is recommended to bring the operation of the building in house, to be run by staff directly employed by the Council. Colbea currently hold the contract to provide the Council's Business Support Service and are committed to provide the support needed to any future tenants in the Sunspot.
- The activities associated with this in-house approach will be undertaken within the General Fund, with the costs charged to the HRA via existing internal processes. Direct property related transactions such as maintenance and rental income will be accounted for within the HRA. Based on this approach, the financial risks associated with bringing the operation of the building in-house will fall to the HRA. The shorter to medium term impact is set out within this report and in the longer term the operation and management of the units will be considered as part of the HRA Business Plan.

Cabinet agreed with the proposal to bring the running of the building in-house and for TDC to commission Colbea, with support from HAT, to provide an activation service of the centre for 7 months, and short term ongoing management support if required for the TDC Operations and Facilities Manager. A decision as to whether the extended management support service is required with Colbea will be made once the Operations and Facilities Manager has occupied the building.

On the 24th August 2023, after a full recruitment process, The Operations and Facilities Manager started with TDC and is currently working with HAT and Colbea in order to gain the experience and knowledge required to run the site once available.

3. REVIEWING THE SUCCESS OF THE BUILDING

It is important that the building becomes self-sufficient within 3 years of opening and therefore reviewing the occupancy and income on a regular basis is essential to monitoring success.

Target occupancy is:

	Sept	Oct	Nov	Dec	Jan	Feb	March	Year 2	Year 3	Total
All office/ industrial/kiosks	25%	40%	50%	60%	60%	60%	60%	70%	85%	
Covered market spaces	40%	50%	60%	80%	80%	80%	80%	80%	80%	
Training room utilisation	30%	30%	30%	30%	30%	40%	40%	40%	40%	
Café	100%	100%	100%	100%	100%	100%	100%	100%	100%	
No. of virtual tenancies	0	0	1	1	1	2	2	2	3	
Target income	£ 3,216	£ 4,724	£ 5,801	£ 6,933	£ 6,933	£ 7,133	£ 7,133	£ 117,984	£ 147,674	£ 310,805

The following will be monitored on a monthly basis:

- Review building operations
- Satisfaction of the tenants
- Customer feedback
- Occupancy levels and demand for meeting rooms, market spaces, events etc.

- Budgets – income v expenditure.
- Feedback from tenants business support.
- Success of the tenants business

4. DETAILS OF LETTINGS AND USE OF THE FACILITIES

Current scheme summary

- 24 low cost units over 10,500 sq. ft. (GIA) offering 9,500 sq. ft. net lettable area of affordable space for a range of business uses including light industrial B1 office space and retail
- Bookable hot desk and meeting spaces with a business support programme including mentoring and skills development for locally based entrepreneurs and potential entrepreneurs.
- Creation of a vibrant covered market with 10 x affordable pitches to provide a pathway for start-up businesses into trading, respond to local demand for access to fresh food and household goods/services, and facilitate positive health benefits through affordable access to fresh foods
- Improved public realm including a community garden, outdoor market/events space and safe pavement where there currently is no footway connecting the two main residential areas of Jaywick Sands.

Agreements with funders

The funding agreement with the South East LEP for the facility stated that the Jaywick Market and Commercial Space project would

- build and operate a covered market and affordable business space on a gateway site in Jaywick Sands to support the local economy, grow local entrepreneurship, and grow and retain economic activity and job creation in the local area.
- The proposal has been developed in response to community needs as well as a wider assessment of demand for small business space in the wider area.
- There is a demonstrated undersupply of commercial space and a high level of demand for affordable light industrial, studio and basic office facilities within the area.
- Using the Council-owned site in a very central location in Jaywick Sands presents the opportunity to draw this tenant market to Jaywick Sands, creating employment in the area and stimulating the secondary economy, alongside supporting local start-ups and small businesses in the community through creating a pathway from very affordable market stall accommodation to renting permanent space.

The Funding Agreement with Essex County Council States:

- The Jaywick Market and Commercial Space scheme aims to build and operate a covered market and affordable business space in Jaywick Sands.
- Based on more detailed design work and the additional funding provided by ECC, the scheme will now deliver 25 mixed use (1 of which is the Operation and Facility Managers office) affordable rent business units offering 9,073sq ft lettable area and a covered local market of 10 affordable pitches.

The letter to the Secretary of State that gained approval for the use of the Housing Revenue Account land for this purpose states:

- Following a successful bidding process (Getting Building Fund) for capital funding to the SELEP a small section of the purchased land will be developed into a covered market site as well as for the provision of business units to facilitate the creation of employment opportunities and for a community garden and improved pedestrian access.

Criteria for businesses entering the Sunspot Centre

The Council has developed criteria for businesses moving into the Sunspot Centre, which are in line with the agreements with funders to invest in the construction of the building.

Units

Those agreeing to operate from the building should be:

Business

- A trading business, or
- Have experience and track record of running a trading business, or
- Experience in a field / subject matter related to the proposed business, and

Financial

- Experience of managing finances,
- Sufficient capital to set up the proposed business,
- Strength of proposed business model/ business case including proposed cashflow
- Rent deposit and a month in advance

Reputational

- Not a business that could be seen to bring the Council into disrepute
- Not a business that causes substantial noise, pollution or disturbance and so suitable for a residential area

Café

- Track record in running a café successfully
- Positive social media reviews of existing business
- Quality of the community offer, i.e. local events
- Length of opening hours and days
- Quality and price of food on offer
- Financial standing, including for fit out

Deposit

If the tenant's prospect is deemed viable, they will be required to pay a holding deposit to TDC and sign a licence.

Suitability Checks

Potential tenants who want to secure a unit are subject to an affordability check, linked to the financial criteria above. Any applicant is requested to provide the following as appropriate:

- Self-employed self-assessment
- Copy of accounts
- Profit & loss statement
- Or proof of funds if pre-start
- Business case for pre-start

Once this is provided a pre-tenancy interview will be booked using the pre-tenancy whereby the applicant can give an overview of their business and obtain a business plan.

New businesses, with no trading track record will be referred to Colbea so that support can be provided and a business case generated.

Decision process for New Tenants

Approval for future tenants will follow the same process as TDC Assets:

- Short term agreement (max 1 year) - Head of Service/Assistant Director decision.
- 1 to 7 year agreement – Corporate Director decision
- Over 7 years – Portfolio Holder decision

As this building is designed to be a low cost, start-up facilities for new and emerging

businesses the terms of the licence are intended to be flexible with an 'easy in, easy out' option. The café is potentially the only business that will require a licence/lease that is not short term but will contain break clauses.

Current Tenants as of 25th August 2023

- **Swedish Asset Finance – Finance**
A financial broker for business vehicles including agricultural vehicles. In a position to expand into their own office here from a shared office.
- **Angelwood – Retail**
Operating in Jaywick selling crystals and talismans, looking to move to the business centre. Also proposed fortune telling business, and selling furniture made from driftwood.
- **Joir – Retail/Ecommerce**
Jewellery and hair accessories. Currently has a successful on-line business. This will be first physical premises. Also wants to expand into men's accessories. Family run business.
- **Uniform 7 - Manufacturing**
Manufacturing of school uniforms including a collection for children with sensory and physical challenges. Expanding into workwear.
- **Buddies Barbers – Health and Beauty**
Currently working out the Never Say Die in Jaywick.
- **Agony and Ecstasy - Creative**
Artist. Using the office as a studio. New business.
- **Seadogs – Service Industry**
Dog groomer. This is a new business.

The Café:

- **Seabreeze Kiosk –**
Seabreeze is one of our current kiosks on the seafront at Clacton. The owner wants to expand to his first café and is a fourth generation Jaywick resident and would like to develop the café as a community hub. He is also interested in organised events and employing local people.

Appendix A: Fees and Charges

RECOMMENDATION

That the Committee determines whether it has any comments or recommendations it wishes to put forward the relevant Portfolio Holder or Cabinet.

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Appendix A

Fees and Charges

In order to provide a fee for the facilities, the charge of hiring other buildings offering the same services have been researched and costed. It is also important to keep the cost as low as possible to support the businesses within the units and to encourage community use.

Single meeting/training room

- Tenants £10 per hour (8 hours free per month)
- General hire £15 per hour

Double meeting/training room

- Tenants £20 per hour (4 hours free per month)
- General hire £25 per hour

Market Stalls

- Tenants without shops £8 per day
- General hire £10 per day
 - 20% discount given for block bookings of 1 month +. Payment up front.

Event Space:

Covered market only

- Tenants £100 up to 5 hours. £12 per hour thereafter.
- General hire £120 up to 5 hours. £15 per hour thereafter.

Outdoor event space only

- Tenants £100 up to 5 hours. £12 per hour thereafter.
- General hire £120 up to 5 hours. £15 per hour thereafter.

Covered market and outdoor event space.

- Tenants £150 up to 5 hours. £15 per hour thereafter.
- General hire £180 up to 5 hours. £20 per hour thereafter

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

19 SEPTEMBER 2023

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.3 Corporate Plan (Our Vision) Consultation Report to Cabinet

CABINET

21 JULY 2023

REPORT OF THE LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR FINANCE AND CORPORATE GOVERNANCE

A.# DEVELOPING A NEW CORPORATE PLAN 2024-2028

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval to commence the process of preparing a new Corporate Plan for the period 2024-2028 based on the detail set out in the report.

EXECUTIVE SUMMARY

Tendingr has amazing opportunities and some deep-seated challenges. The Council's Corporate Plan will reflect this as the Council's focus. It needs to recognise the challenging financial position, with financial sustainability being key for delivery. The Council also recognises that it is a deliverer, influencer and facilitator, which will be the only way it can achieve its ambitious Corporate Plan aspirations.

Corporate Planning and Performance Management

The Council has an established set of arrangements to set out its long and medium term aims and to monitor progress in delivering them. This includes a long term Corporate Plan (agreed by Full Council), Annual Priorities and Projects in line with the Corporate Plan (agreed each year by Cabinet), and quarterly performance reporting. In addition, Departmental Plans are prepared annually at an operational management level.

An overview of the performance system is as follows:

Timescales/Term	Performance Document/Plan	Key Objectives
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4 Years	Corporate Plan Developed by Cabinet, agreed by Council	<ul style="list-style-type: none"> • Long term Council aims /priorities 'Plan on a page' • Strategic • Vision/Values of the organisation
1 Year	Highlight Priorities Developed and agreed by Cabinet	<ul style="list-style-type: none"> • Specific deliverable actions with milestones Performance Standards
Quarterly Reporting	Performance Deliverables developed / agreed by Cabinet	<ul style="list-style-type: none"> • Reporting on individual highlight priorities, • Reports provided to Cabinet and available for Overview and Scrutiny Committees • Reports include deliverables, targets, metrics and measures
Annually	Departmental Plans	<ul style="list-style-type: none"> • Operational plans at officer level in consultation with the relevant Portfolio Holders.

A new Corporate Plan

Through this report, approval of the process of preparing a new Corporate Plan is sought.

With the election of a new Council, the formation of a new Administration and given that the current Corporate Plan runs to 2024, this is an appropriate time to begin preparatory work to develop a new Corporate Plan for agreement by the Council.

The proposed timescale and process for doing this is set out in the body of the report. It will take a number of months in order to allow proper consideration and scrutiny of the proposed content before the Council is asked to formally agree the plan.

Cabinet is requested to confirm at this stage that the overall approach to the Corporate Plan, Priorities and Projects and Performance Management and reporting should continue on the current basis and that the Corporate Plan itself should again be:

- a "Plan on a Page";
- with Community Leadership underpinning its themes; and
- a clear statement of the Council's overall vision and values.

Public Consultation

Due to the proposed timeline and limited in-house capacity it is recommended that an external social research company be used, which will enable the Council to capture Tending specific data not only to assist the Council with developing its Corporate Plan but with future priority setting and decision-making.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (1) Notes and endorses the initial emerging themes for a Corporate Plan (Our Vision) for 2024-28 as set out at Appendix A;**
- (2) requests officers to undertake consultation with the public, stakeholder organisations, Councillors and staff on the initial emerging themes referred to in (1) above;**
- (3) receives the outcome of that consultation to the meeting of Cabinet on 10 November 2023 with a view to development of finalised Corporate Plan (Our Vision) themes for 2024-28 being then recommended to Council on 28 November 2023; and**
- (4) endorses engaging a social research company to support the consultation referred to in (2) above and, in view of the limited capacity within the Council, authorises that the costs of that support (up to £25,000) be met from corporately accrued vacancy savings to date in 2023/24, where this will not impact on service delivery.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendation is required for officers to be authorised to undertake the consultation outlined.

In itself, the report also alerts Councillors, stakeholders and the public to the process of adopting a Corporate Plan for 2024-28.

ALTERNATIVE OPTIONS CONSIDERED

The option of not having a Corporate Plan was considered. However, as it is the Key Council Policy Framework document and is an expectation for the Local Code of Governance, this was discounted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The existing Corporate Plan 2020-24 sets out high-level priorities for the Council for that period, alongside an annual schedule of highlight priorities, milestones and intended outcomes. The Council wants to ensure a new Corporate Plan is developed for 2024-28.

The Council's Annual Governance Statement (a statutory document which sits alongside the Statement of Accounts, inspected by External Audit and follows the CIPFA format) covers the seven principles of Local Code of Governance (for Local Government) and expects adherence with **Principle C - Defining outcomes in terms of sustainable economic, social and environmental benefits.**

Each Principle has Sub-Principles, and for Principle C these are:

- (a) Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions**

- (b) Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer
- (c) Delivering defined outcomes on a sustainable basis within the resources that will be available
- (d) Identifying and managing risks to the achievement of outcomes
- (e) Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.

The Council can choose to have its longer term Plan/Vision at a high level with annual priorities set, with intended outcomes, milestones and performance recorded. Adoption of the Plan is the core of the Council's Policy Framework.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The content of the report reflects the work carried out to date with Cabinet Members and Councillors more generally, since the election on 4 May 2023 to identify priorities for the Council for the period 2024-28. The draft emerging Corporate Plan will be the subject of consultation with the public, stakeholder organisations, Councillors and staff on the initial emerging themes, with the outcome reported back to a later meeting of Cabinet.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The Council's Procurement Procedure Rules (PPR) (at Part 5 of the Constitution) applies to the proposed engagement of a private social research business to support the consultation around the emerging Corporate Plan 2024-28. The proposed procurement is below that requiring the application of the tender rules within the PPR. However, as the anticipated value of using an external research company is likely to be above £10,000, paragraph 4.2.2 applies, and a minimum of three quotations must be sought.

Three research businesses already in the market space for social research for local government have been approached with the proposal for support for this consultation exercise. For this report, the three businesses are referred to only as companies A, B and C. Following dialogue about the project and the time-line for it Company A declined to submit

proposals and cited capacity limits due to work being placed with it by social housing providers in preparations for the new regulatory framework for those providers. Company B has provided a detailed proposal and has previously been engaged by this Council. A detailed proposal is expected from Company C. All three of the businesses approached are currently, or have in 2023, been commissioned to undertake consultative exercises for Councils in Essex.

X The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

The Monitoring Officer is the co-author of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Whilst there are no financial implications, Financial Sustainability will need to be a driver in setting out the Council's aspirations in a new Corporate Plan. Individual projects still need to be fully and properly assessed and formally approved prior to commencing. One of the priorities from the LGA Peer Challenge carried out in 2018 was that an enhanced approach to project management, project delivery and performance reporting be brought into use. This will encompass a full assessment of resources and risk.

It is important that sufficient resources are made available to support the consultation that will shape the Corporate Plan 2024-28. Officers have been supporting the Leader and Cabinet in the development of the initial proposals set out in this report. However, a realistic assessment of the position is that to deliver the consultation exercise would involve a much wider human resource. To provide this internally would involve a significant realignment of the work of a wider team for a few months. The judgement reached is that this would undermine the delivery of several work streams across the Council. It is also recognised that staffing levels are not at the maximum approved establishment and an approved budget for resources to undertake work to develop the Corporate Plan has not been allocated. However, in consultation with the Chief Executive the allocation of funding from the corporately accrued vacancy savings to date in 2023/24 for the consultation referred to in this report has been identified to fund the development of the Corporate Plan 2024-28. Cabinet is requested to endorse the use of those savings (up to the sum of £25,000), which will not have an impact on wider service delivery within the relevant departments.

X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

Although there are no significant additional comments to make over and above those set out elsewhere in the report, it is worth highlighting that the Annual Governance Statement 2023 will reflect a number of issues set out in this report, such as project delivery and the work associated with securing the long term financial sustainability of the Council.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure	The development of a revised Corporate Plan will assist the Council in its prioritisation in
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it can continue to deliver its services;	respect of its use of available resources. This in itself will contribute to financial sustainability.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	<p>The development of a revised Corporate Plan is designed to support good governance/decision making using the themes of the new Corporate Plan to inform that decision making.</p> <p>Article 1 of the Constitution commits the Council to work towards its vision for Tendring as set out in the Council's Corporate Plan. Article 4.01 of the Constitution sets out the Policy Framework of the Council and identifies the Council's Corporate Plan as the first of the named statutory policies and plans for which the full Council meeting is the adopting body.</p>
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	One of the proposed themes of the Corporate Plan is Financial Sustainability to support sound budget management and annual priorities will themselves identify the resources to deliver them.

MILESTONES AND DELIVERY

The existing Corporate Plan of the Council covers the period to the start of 2024 and to achieve a new four year Corporate Plan for the start of that year the following timeframe has been identified:

4 May 2023 – Election of District Councillors

11 May 2023 – 1st main Induction Event for all Councillors (commencing discussions at themes for the Council - '*Why Councillors stood for election*')

23 May 2023 – Election of Leader of the Council (and appointment of new Cabinet)

30 May 2023 – 2nd main Induction Event for all Councillors (looking further at themes for the Council – '*What makes your proud of the area you live and what needs more work*')

June/early July 2023 – Informally working with the Leader, Deputy leader and Cabinet to develop initial themes.

21 July 2023 - Draft form of initial emerging themes for the Corporate Plan (Our Vision) 2024-28 for consultation and the basis of that consultation.

26 July to 21 September 2023 – envisaged eight-week consultation period – including All Member Briefings and possible Overview and Scrutiny Committee meetings

October 2023 – review the findings of the consultation on the initial emerging themes for the Corporate Plan 2024-28

10 November 2023 – Cabinet considers the consultation findings and determines proposals for a finalised Corporate Plan 2024-28 for submission to Council.

28 November 2023 – Full Council considers the recommendation from Cabinet

1 January 2024 – New Corporate Plan takes effect.

ASSOCIATED RISKS AND MITIGATION

The Council's budget situation, and the need for significant savings over the lifetime of the

intended Corporate Plan 2024-28, is set out in its Medium Term Financial Strategy. With use of one-off funding of £1.528M in 2023/24, the Council anticipates the need to find savings of £1.150M in 2024/25 and £4.250M in 2025/26. As such, it is imperative that the achievement of the required savings underpins and supports the ambition of the Council over the four years concerned.

Achieving savings will need good governance and appropriate timeframes to be factored in, and the risks around this will need to be assessed and provided for.

EQUALITY IMPLICATIONS

The development of the Corporate Plan 2024-28 will be mindful of the Council's obligations under the public sector equality duty. Under that duty, public authorities like this Council are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This duty and consideration of equality issues will inform decision making by the Council going forward as it has since the duty first applied in April 2011.

SOCIAL VALUE CONSIDERATIONS

The development of a new Corporate Plan for the Council is a pivotal point at which to ensure that key aspects of social value are embedded in the working of the Council. Social Value refers to the wider financial and non-financial value created by an organisation through its day to day activities in terms of the wellbeing of individuals and communities, social capital created and the environment

Social value is a pre-procurement consideration and the Council has already expressed its intention to develop a Social Value Policy for Procurement Purposes, but to do so it is important to understand the Council's objectives and priorities to meet the three strands. These include, but are not limited to:

- economic (e.g. employment or apprenticeship/training opportunities);
- social (e.g. activities that promote cohesive communities); and
- environmental (e.g. efforts in reducing carbon emissions).

Social value benefits are also key to the Council in using a range of local government powers in the exercise of its duties and functions. It is considered that, collectively, the initial emerging themes contribute to how the Council wishes to deliver these either on its own or with others for the benefit of the District.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

On 6 August 2019 the Council declared a Climate Emergency and instructed the Chief Executive to prepare an Action Plan that was subsequently adopted by Full Council (and forms part of the Council’s Policy Framework with the aim of activities of the Council being net carbon neutral by 2030).

The Corporate Plan for 2024-28 will be developed within the Council’s Policy Framework.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	There are no implications from the subject matter of this report, however each project and new procurement opportunity will consider these implications through the individual decision making.
Health Inequalities	
Area or Ward affected	All.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Corporate Plan 2024-2028

The Council's Corporate Plan sets out the Council’s vision and values together with key strategic long term aims and priorities. It has a key focus on Community Leadership being “at the heart of everything we do”. Once adopted by the Full Council it is part of the Council’s Budget and Policy framework and thus sets the direction and context for the Council’s work for the period of the Plan. For further information on the Budget and Policy Framework Members are referred to Article 4 of the Council’s Constitution.

There is a specific process set out in the Constitution for the development, scrutiny and approval of the Corporate Plan.

Initial proposals are prepared and agreed by Cabinet; they are available for the Overview and Scrutiny Committees to consider and comment back to Cabinet as they determine; Cabinet then agree final proposals, which are recommended to Full Council for approval.

Given the importance of the Corporate Plan for the long term focus of the Council there should also be public engagement and the opportunity should be provided to partners of the Council and other stakeholders to feed into the process. This should include public service partners, business and community representatives. It is suggested that this should be carried out utilising the Cabinet’s initial proposals for a Corporate Plan 2024-28 – in parallel with the opportunity for review of the initial proposals by the Council’s Overview and Scrutiny Committees.

In light of the above, the likely timetable for the preparation of a new Corporate Plan is as set out in the milestones section of this report above.

In so far as the wider consultation is concerned, due regard will be given the Council’s

Community Engagement Strategy. The aims of that Strategy are to support strong, active and inclusive communities who:

- are informed and involved in decision making;
- can influence and shape the area in which they live and work; and
- have the capacity to develop and deliver their own projects.

It is intended that the consultation will feature:

- (1) A general invitation to residents to submit views on what makes them proud of the area they live in and what needs further improvement. This is likely to be cross-cutting in respect of the responsibilities of this Council, Essex County Council, Central Government, Parish/Town Councils (where the area has such a Council) and Health, Education and Policing partners locally. The emerging themes for the Corporate Plan as set out in this report will be used to focus some of that feedback invitation. Through a range of material, including social media posts and email communication with households around the annual electoral registration canvass, residents will be advised of the consultation and routes to submit views. It is hoped that most individuals will respond using a dedicated online survey facility to be created. Paper copies of the survey will be made available at several locations across the District and these locations too will be publicised. Individuals will be able to complete paper surveys there and then and place them into a secured box that will be emptied by designated staff only and who will then arrange for the paper based responses to be captured electronically. Organisations too may submit views through this arrangement.
- (2) A sampling exercise from the electoral register to identify 200 adults geographically spread equitably across the District and broadly matching characteristics of the population of the District allowing for age and nationality who will be invited to specifically contribute their views so that we can try to ensure that the views of individuals living in all areas of the District are heard. Again, it is hoped that most will respond online using a dedicated facility for this purpose. However, a freepost envelope will be provided for those who prefer to respond in paper. They will also be offered the opportunity to have a call back should online or paper response be an obstacle to them.
- (3) Telephone interviews will be conducted with designated individuals in partner institutions, third sector and business organisations. The aim will be to seek, among other things, to identify the extent to which the views of those organisations align one with the other and with the public's views. Where there is a divergence of views that is identified it will be important to look at what implications this has going forward for the Council.

It is proposed that an eight-week period of consultation is provided so that individuals and organisations will have the opportunity to respond within that period. This timeline also permits a revised Corporate Plan to be put forward to Council before the end of 2023 and therefore operational from 1 January 2024 (as set out in the timeline referenced earlier in this report).

During the consultation period it is proposed that an All Member Briefing session (and potentially two such sessions) are held to take Councillors through the process and assist all Councillors to submit views into the consultation process. Council staff will be consulted through the usual internal communication channels.

The Council's performance management arrangements seek to establish a clear linkage – sometimes referred to as a “golden thread” - between the long term aims of the Corporate Plan, the medium term priorities and projects, the deliverables identified for those priorities and projects and the more detailed service aims set out in Departmental Plans and ultimately in the individual performance aims set for individual officers.

Having a clear statement of the Vision of the Council and the values it expects all Members and staff to adhere to also has a wide and deep influence on the day to day working of the Council.

Finally, with regard to the content and structure of the Corporate Plan and the Council's Performance Management arrangements, this report suggests that the set of arrangements currently in place, and which has evolved over a number of years, is fit for purpose and works well; and should continue to be the basis used by the Council. Clearly, those performance management arrangements will need to be refined as the extended role of the Social Housing Regulator means there will be additional data requirements from that Regulator as to assurance that standards are being met and tenant satisfaction is being measured. Likewise, the requirements for performance data from the Office for Local Government (Oflog) will need to be integrated into this Council's performance management arrangements.

Thus it is proposed to prepare a high level strategic “Plan on a Page” which will include the Council's specific corporate priority themes the Council wishes to commit its resources to strive towards.

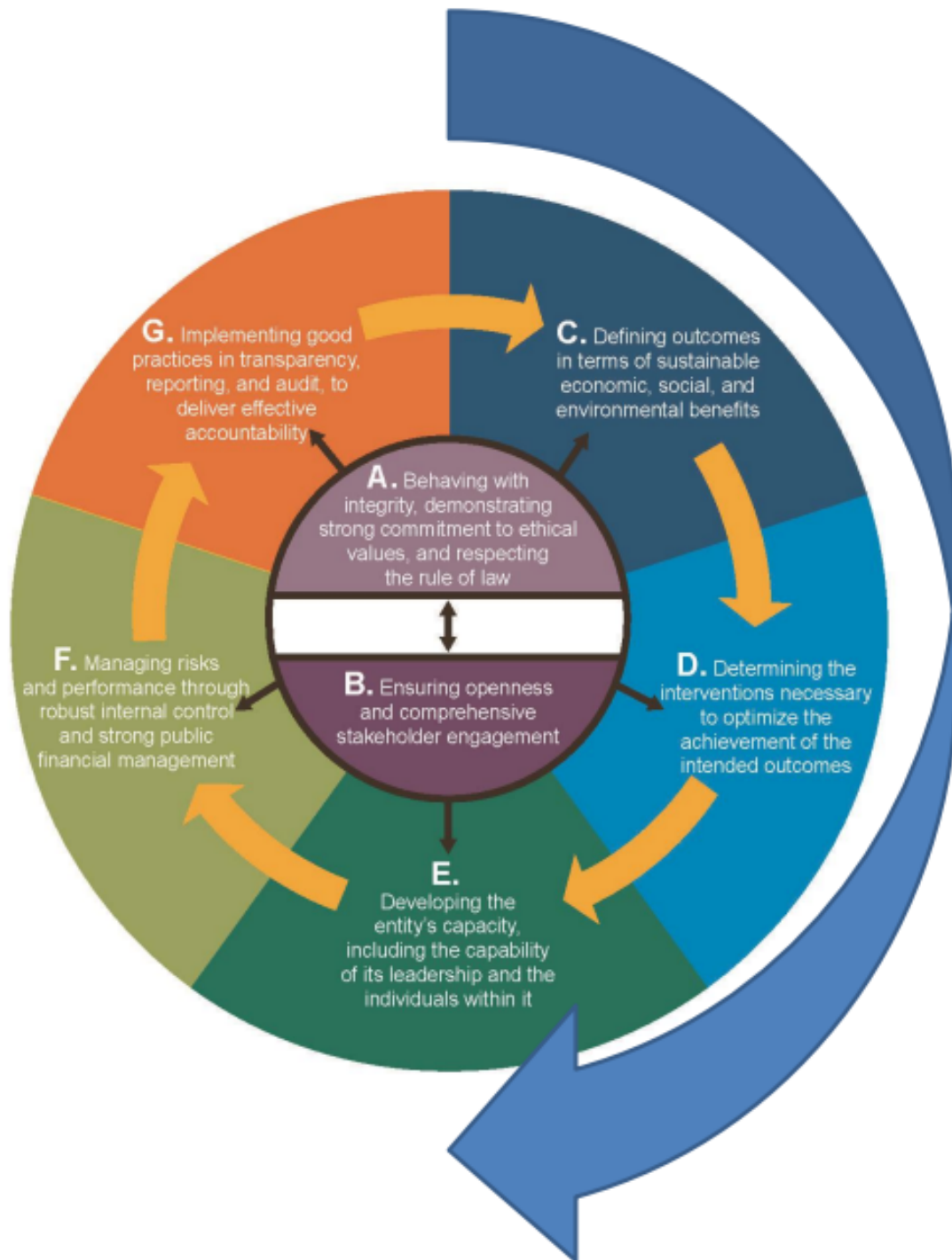
It is proposed that a strong focus on Community Leadership should be a cross cutting theme for the emerging plan.

Initial work with Cabinet and Councillors more generally has identified five themes for Our Vision, with Community Leadership to be recognised as a cross cutting element of the Plan. The initial Themes as set out in **Appendix A**, are as follows:

- **Pride in our area and services to residents**
- **Raising aspirations and creating opportunities**
- **Championing our local environment**
- **Working with partners to improve quality of life**
- **Financial Sustainability and openness**

The diagram on the next page, based on the 7 principles of Local Code of Governance (for Local Government), sets out the underlying approach to the setting of the Corporate Plan and the annual highlight priorities to be set each year in support of that Plan:

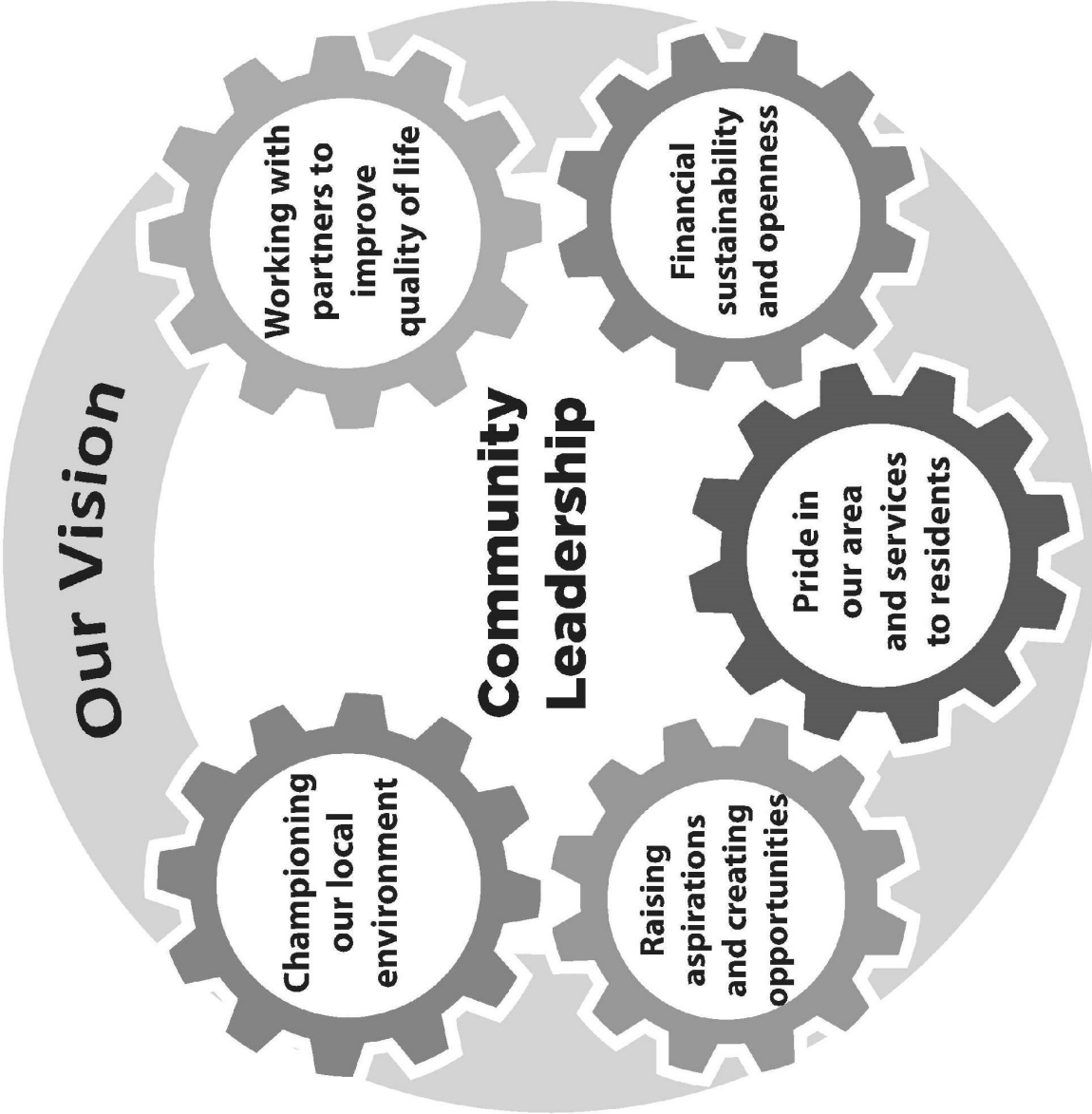
Achieving the intended outcomes while acting in the public interest at all times



PREVIOUS RELEVANT DECISIONS
Council – Minute 78 of 21 January 2020 refers (in respect of the 2020-24 Corporate Plan)
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
A – Initial themes for Corporate Plan 2024-28 on which consultation will be framed.

REPORT CONTACT OFFICER(S)	
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LISTENING TO AND DELIVERING FOR OUR RESIDENTS AND BUSINESSES!

Our Vision

(Corporate Plan 2024-28)

[Community Leadership to be recognised as a cross cutting element of the Plan]

Pride in our area and services to residents

We want to put residents' first, providing and promoting clean and tidy communities, decent housing that everyone deserves, and tackling the things that make a big difference to you. This means getting the basics right on our services. We also want to promote pride in our communities, encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.

Raising aspirations and creating opportunities

Tending is ambitious and our residents will be supported to reach their potential and realise their opportunities. To do this we want to, working with partners, improve access to skills learning so residents can get jobs and to allow businesses to thrive in our district; particularly taking the opportunities afforded by Freeport East. We want to maximise the opportunities for young people; to inspire those dreams we will celebrate business success, encourage responsible tourism, develop our cultural sector and economic growth.

Championing our local environment

We believe our environment is special, it is the space where we live and work, and therefore deserves protection. We will be tough on those who do not respect our environment. We want to create and maintain spaces for leisure, wellbeing and active lifestyles, and deliver access to open spaces to achieve this.

Working with partners to improve quality of life

It is our aim to build on joint working with our partners across government, public, private and third sectors to improve the quality of life for our residents. We want to promote safer, connected and inclusive communities; and we recognise the vital role volunteers play in caring for others and our environment, and we want to support, encourage and facilitate those opportunities.

Financial Sustainability and openness

To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.