

Public Document Pack

TENDRING DISTRICT COUNCIL

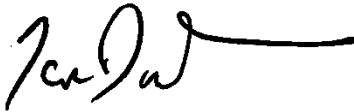
Committee Services
Room 29
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

13 January 2025

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 21 January 2025 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line extending to the right.

Ian Davidson
Chief Executive

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 21 January 2025

Prayers

1 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting of the Council (Pages 7 - 32)

The Council is asked to approve, as a correct record, the minutes of the meeting of the Council held on Tuesday 26 November 2024.

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 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

5 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

6 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

7 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

8 Petitions to Council

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

9 Questions Pursuant to Council Procedure Rule 10.1 (Pages 33 - 34)

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

10 Urgent Cabinet or Portfolio Holder Decisions

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 15 (Special Urgency), Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

11 Minutes of Committees (Pages 35 - 54)

The Council will receive the minutes of the following Committees:

- (a) Audit of Monday 9 December 2024; and
- (b) Resources and Services Overview & Scrutiny of Tuesday 17 December 2024.

NOTES:

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

12 Motion to Council pursuant to Council Procedure Rule 12 - 'Giving Pets as Prizes' and the Council's Animal Welfare Charter (Pages 55 - 56)

Pursuant to the provisions of Council Procedure Rule 12, Council will consider a motion, notice of which has been given by Councillor Barrett.

The provisions of Council Procedure Rule 12.5, (Professional Advice of the Council's Statutory Officers on the Motion) require the Council's three statutory officers (i.e. Monitoring Officer, Section 151 Officer and Head of Paid Service), once the Motion has been accepted as being valid, to produce a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion. That Advisory Note will focus on implications for the Council relating to budgetary, constitutional or legislative requirements or staffing matters.

In this instance, the Council's Statutory Officers have not yet indicated whether they need to provide any such professional advice and whether therefore an Advisory Note(s) does need to be produced on this occasion.

13 Recommendations from the Cabinet

The Council is asked to consider any recommendations submitted to it by the Cabinet.

14 Reports Submitted to the Council by an Overview and Scrutiny Committee

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

15 Report of the Chief Executive - A.1 - The Government's English Devolution White Paper and Letter to Leaders of all Two-Tier Councils referencing possible postponement of 2025 Elections (Pages 57 - 74)

This report sets out for Council a summary of the Government's English Devolution White Paper published on 16 December 2024 in respect of its proposals in this policy area and the Government's intentions for local government re-organisation; including the relevant timelines for these two separate but parallel strands of Government policy. Associated with this is the potential deferral of elections scheduled for May 2025 to May 2026 (initially).

16 Report of the Chief Executive - A.2 - Resignations from the Tendring Independents Group (Pages 75 - 76)

To formally report that Councillors Michael Bush and Brad Thompson have previously served formal notice on the Council that they no longer wish to be treated as a member of the Tendring Independents political group.

17 Report of the Chief Executive - A.3 - Resignation from the Council - Lynda McWilliams (Pages 77 - 78)

To formally report the resignation of Lynda McWilliams from the office of Member of Tendring District Council.

18 Report of the Chief Executive - A.4 - Change in Membership of Committees (Pages 79 - 80)

To formally report a change in the membership of a committee made since the last meeting of the Full Council.

19 Joint Report of the Director (Governance) & Monitoring Officer and the Cabinet - A.5 - Proposed Amendment to Article 9 of the Council's Constitution: TDALC representation on the Town & Parish Councils' Standards Sub-Committee (Pages 81 - 84)

To enable Full Council to consider a proposed amendment to Article 9 of the Council's Constitution.

20 Questions Pursuant to Council Procedure Rule 11.2

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner.

21 Seating Plan for meetings of the Full Council in the remainder of the 2024/2025 Municipal Year (Pages 85 - 86)

To enable Full Council to approve the seating plan for its meetings to be held during the remainder of the 2024/2025 Municipal Year. The seating plan has been amended to reflect the decisions of Councillors Bush and Thompson to leave the Tendring Independents Group and the resignation from the Council of Lynda McWilliams.

22 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

Date of the Next Scheduled Meeting of the Council

Budget & Council Tax Setting - Tuesday, 11 February 2025 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Filming by the Council

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 26TH NOVEMBER, 2024 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Casey (Chairman), Davidson (Vice-Chairman), Amos, Baker, Barrett, Bensilum, Bray, Bush, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood (except item 71), S Honeywood, Land, Morrison, Newton, Oxley, Placey, Platt, Scott (except item 71), Skeels, Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, White and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Director (Governance) & Monitoring Officer), Richard Barrett (Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Maddie Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer), James Dwan (Communications Officer), Kai Aberdeen (Theatre General Manager (Technical)), Simon Kedge (Casual Technician (Princes Theatre)) and Alex Brewer (Apprentice (Democratic Services & Elections))

57. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alexander, Barry, Kotz, McWilliams and Turner.

58. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the meeting of the Council held on 17 September 2024 be approved as a correct record and be signed by the Chairman.

59. DECLARATIONS OF INTEREST AND PERSONAL STATEMENT BY COUNCILLOR BUSH

Councillor Scott declared a Disclosable Pecuniary Interest in relation to Agenda Item 15 (Reference from the Cabinet – A.3 – Adoption of a Revised Gambling Licensing Policy Statement (insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District).

Councillor P B Honeywood declared a Disclosable Pecuniary Interest in relation to Agenda Item 15 (Reference from the Cabinet – A.3 – Adoption of a Revised Gambling Licensing Policy Statement insofar as he held a Gaming Licence for Clacton Constituency Conservative Association.

Councillor Fairley made the following declaration of interest in relation to Agenda Item 12 (Motion to Council pursuant to Council Procedure Rule 12 – Changes to Agricultural Property Relief and Business Property Relief):-

“I wish to declare a Disclosable Pecuniary Interest and a Non-Registerable Interest on ITEM 12 Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Peter Harris in relation to changes to Agricultural Property Relief and Business Property Relief as follows:-

My spouse and wider family, own and rent agricultural land in Tendring for the purpose of commercial food production.

I have been granted a dispensation under Section 33(2)(c) of the Localism Act 2011, by the Council’s Monitoring Officer allowing me to participate and to vote. The reason for the decision is on the grounds that it is in the interests of persons living and working in the authority’s area for this dispensation to be granted. I am the sole Ward Councillor for Ardleigh and Little Bromley and have an opportunity to voice its residents and businesses concerns and act in the best interests and possible outcomes for the whole of the District. The Council will not be the ultimate decision maker regarding these proposals, which will go off to Cabinet for determination. The Ward, I represent is a very rural Tendring ward where farming contributes significantly to employment and the local economy both for my ward and the wider district, and I want to be able to act in the best interests for my residents and for the district as a whole and the Monitoring Officer has agreed that a dispensation is necessary for me to be able to fulfil this role.”

Councillor Bush then made a personal statement as follows:-

“I’d like to make a declaration that with immediate effect I am leaving the Tendring Independents Group, and the administration, to go and sit with the opposition as an unaligned independent councillor to represent the interests of the community that elected me.”

Councillor Bush thereupon ‘crossed the floor’.

60. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that, since the last meeting of Full Council on 17 September 2024, he had attended the following civic events:-

Date	Location	Event
Thursday 03/10/2024	Princes Theatre, Clacton-on-Sea	Tendring 4 Growth Awards Night
Tuesday 15/10/2024	War Memorial, Clacton-on-Sea	Baby Loss Awareness
Sunday 20/10/2024	Greensward, Clacton-on-Sea	Clacton Seafront 10k Race
Tuesday 22/10/2024	Princes Theatre, Clacton-on-Sea	Tendring Youth Awards
25/10/2024 – 09/11/2024	Frobisher School, Clacton County High School, Ravensfield School	Visit with WW2 Veterans
Sunday 03/11/2024	West Cliff Theatre, Clacton-	Tendring Brass Band

	on-Sea	Annual Concert of Remembrance
Thursday 07/11/2024	St Christopher's Church, Jaywick	Poppy Appeal Quiz Night
Sunday 10/11/2024	War Memorial, Clacton-on-Sea	Remembrance Sunday Parade & Service
Monday 11/11/2024	War Memorial, Clacton-on-Sea	Armistice Day Parade & Service
Saturday 16/11/2024	Princes Theatre, Clacton-on-Sea	Charity Victorian Christmas Market
Sunday 17/11/2024	Princes Theatre, Clacton-on-Sea	Clacton's Largest November Christmas Market
Multiple Days	Multiple Venues	Save A Life, Ditch The Knife bleed kit distribution

61. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements made by the Chief Executive on this occasion.

62. STATEMENTS BY THE LEADER OF THE COUNCIL

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

63. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Housing and Planning (Councillor Baker) made a statement in respect of the opening of the new Honeycroft Sheltered Housing Scheme at Lawford as follows:-

“Chairman, I am delighted to inform Council that the Honeycroft Project, the demolition of the sheltered scheme and its replacement with 13 bungalows for the elderly, and a community centre, in Lawford has recently been completed, and its achievement is a testament to the dedication, hard work, and collaboration of everyone involved, from our own staff and contractors alike.

I know that much of what I am about to say was probably said by our Chief Executive and the Leader of the Council at the event on Wednesday 13th November, to which many people were invited, including the Ward Councillors, and the previous Portfolio Holder for Housing.

As most of this Council know, residents of the Honeycroft Sheltered Housing scheme were moved out in 2017, it was closed in 2018, and finally demolished in 2021 with Rose Builders of Lawford, being subsequently appointed as the Council's contractor.

Having visited the site during construction on more than one occasion, I have seen the project continue at pace, and I will be visiting the site this coming Friday, as I was unfortunately unable to do so on the 13th, to see the result.

As Mark and Ian said, this project is not just about putting something up to replace what was previously there, or putting a roof over people's head. It is about enhancing the quality of life for our residents, and the environmental sustainability of this scheme is a

vital aspect of its success. Innovative solutions have been implemented that will benefit the environment, the tenants who will live here, and sets a standard for any future projects. Energy efficient designs, the use of sustainable materials, all carefully designed to minimise environmental impact. This includes efficient heating, well-insulated, solar panels, keeping running costs low, combat fuel poverty and reducing the environmental impacts.

I also want to acknowledge the cross-party political support that has been crucial in bringing this project to life. It was started by the previous administration, and it is important to give credit where it is due. The vision and groundwork laid the foundation of what we have achieved, it is an example of what can be accomplished when we all work together, regardless of political differences, and shows our shared commitment to serving our community and making it a better place for all.

I would also like to publically put on the record, Mr Chairman, this Council's thanks, firstly to our officers, from the initial planning stages to the final touches, and our contractors, Rose Builders, for their expertise, commitment and professionalism in delivering this project, on time and within budget.

Finally Mr Chairman, Residents will be moving in during the next few weeks, and I should also mention, that some of those residents have re-sized, and due to this, one fully adapted four bedroomed house, together with one three bed house, three two bedroomed flats and one, one bedroom flat, will be released back into our housing stock for allocation to those residents requiring such properties.

And this Council made a commitment when the previous residents moved out of the 'old' Honeycroft, that they would be at the top of the list for allocation to the new bungalows. That commitment has never wavered, and I am delighted to announce that two of the previous residents will be moving back in, in the very near future.

Thank you Mr Chairman."

64. PETITIONS TO COUNCIL

The Council was to consider any petition(s) received in accordance with the Scheme approved by the Council.

On this occasion no such petition(s) had been submitted.

65. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

On this occasion no such Questions on Notice had been submitted by members of the public.

66. REPORT OF THE LEADER OF THE COUNCIL - A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

Council considered a report of the Leader of the Council which notified it of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

-
- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
 - (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
 - (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.
- (1) Approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system

It was duly reported that, on 20 September 2024, the Portfolio Holder for Housing and Planning, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Planning and Communities), had sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that his decision relating to the approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system, be exempted from the call-in procedure.

The Portfolio Holder for Housing and Planning's decision had been as follows:-

"To approve Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system."

It had been felt by the Portfolio Holder for Housing and Planning that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

"The deadline for the submission of consultation responses is Tuesday 24th September 2024. Failure to meet that deadline could lead to this Council's concerns about the Government's proposals not being properly taken into account."

The Planning Policy and Local Plan Committee debated and agreed the proposed response at its meeting held on 16th September 2024 and so this matter has therefore been considered by Members from all political groups represented on the Council. That discussion followed on from the all-Member briefing held on 4th September 2024."

- (2) Termination of the 'YourStride' Careline Contract

It was also reported that, on 24 October 2024, the Leader of the Council, acting on behalf of the Cabinet under his delegated powers, in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Governance), had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that his urgent decision taken on behalf of the Cabinet relating to the termination of the 'YourStride' Careline Contract, be both taken under the 'Special Urgency' provisions of the Council's Constitution and also that it be exempted from the call-in procedure.

The Leader of the Council's urgent decision taken on behalf of the Cabinet decision had been as follows:-

“That:-

- (a) the Leader of the Council in exercising their authority and following consultation with the Section 151 and Monitoring Officers, makes an urgent decision, to authorise immediate notice being served on AE Partners Ltd giving 16 weeks prior notification to terminate the Supply of Services Agreement between them and the Council;*
- (b) the Directors for Governance and of Planning and Communities be authorised to take the necessary administrative steps to enable this decision to be implemented as soon as possible and without further delay to the Council; and*
- (c) notification of such decision will be reported to Members accordingly.”*

The Leader had felt that any delay likely to be caused by following the usual procedure before taking key decisions and/or decisions that would involve the disclosure of confidential or exempt information and the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

“It is acknowledged that the position largely remains the same as in July 2024 when the future of Careline was reported to Cabinet (refer to link in previous decisions section below), in that the Contract is costing the Council more in staff resources and system costs than the income being generated. However, the scale and rate of the increased YourStride registered users are resulting in significant strain on the resources of the Careline Service and the Council. The Tendring tax-payer is effectively having to subsidise, at a growing rate, a product provided through a private company to residents living outside of the Tendring District, whom are paying a subsidised fee. The legal implications of this arrangement are set out in more detail later in the report.

For reasons of commercial sensitivity and implications on the Council, the details of the YourStride contract and the cost to the Council are set out within this report to be considered in 'Part B'. The impact on the Council's resources are significant enough to warrant urgent consideration by the Leader of the Council, as there are no other options to reduce the increased flow of registered users.

On 15 October 2024, the Council's Director of Planning and Communities (who has recently taken on strategic responsibility for Careline) wrote to AE Partners Ltd (“the Customer”) under delegated authority to seek an immediate change to the Contract preventing any new service users being registered from 1 November 2024 on the basis that the pace at which new users are being registered with the Council's Careline Service had reached a level that is outstripping the Council's ability to continue supporting YourStride customers in an effective, safe and viable manner.

On 22nd October 2024, the Customer's response was received via Aria Grace Law rejecting that proposal. The response reinforced that the Council remains contractually obliged to provide the Services as set out in Schedule 1, in accordance with the terms and conditions of the Agreement and in particular clauses 3, 6 and 7. No amendment shall be made to Schedule 1 except on terms agreed in writing by the Parties in accordance with clauses 22-26.

The letter also stated that “While we understand that you may be facing internal resource constraints, you have a continuing obligation to supply the Services at the volumes requested by our client as priced in Schedule 2. Your own resource constraints, over which you have full control, do not absolve you from the requirement to fulfil your contractual obligations. For the avoidance of doubt - our client does not agree

to your proposed new variation agreement and intends to fully enforce the terms of the Agreement.”

Consequently, it is now proposed that measures need to be put in place to serve notice to permanently terminate the Contract, giving the Customer (AE Partners Ltd) 16-weeks’ notice in accordance with the termination provisions as set out within clause 46 of the Contract.

Irrespective of, and without prejudice to, any decision the Cabinet takes in respect of the future of the Careline Service following the recent customer, resident and stakeholder consultation, the Contract is (and would be under any of the options under consideration by the Cabinet) economically unviable, unsustainable, possibly ultra vires and harmful to the Council’s resources - requiring a substantial and potentially unlawful subsidy from Tendring residents and placing an increasingly unmanageable burden on resources and the Council’s ability to maintain an effective and safe service its own Careline users and to YourStride customers.

The report requesting an urgent decision from the Leader is based upon the scale of the increased registered YourStride users, which are now taking 83% of the Careline Services resources to respond to, with only 35 of those 9500 users being Tendring residents. The Customer has responded to the consultation exercise and referred to the Council’s actions not to continue with its TSA accreditation and therefore, considers the Council unable to deliver the contract and believes Option 2 is the only viable option.”

It was moved by Councillor M E Stephenson and:-

RESOLVED that the contents of the report be noted.

67. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson and:-

RESOLVED that the minutes of the following Committee, as circulated, be received and noted:-

- (a) Tendring / Colchester Borders Garden Community Joint of Thursday 5 September 2024;
- (b) Planning Policy & Local Plan of Monday 16 September 2024;
- (c) Resources and Services Overview & Scrutiny of Monday 23 September 2024;
- (d) Audit of Thursday 26 September 2024;
- (e) Community Leadership Overview & Scrutiny of Tuesday 15 October 2024; and
- (f) Standards Committee of Thursday 24 October 2024.

68. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CHANGES TO AGRICULTURAL PROPERTY RELIEF AND BUSINESS PROPERTY RELIEF

Council had before it the following motion, notice of which had been given by Councillor Harris pursuant to Council Procedure Rule 12:-

“(A) This Council notes that:-

- (i) the Chancellor of the Exchequer, Rachel Reeves MP, announced in the Budget on 30th October 2024, changes to Agricultural Property Relief (APR) and Business Property Relief (BPR); and*
- (ii) this will potentially seriously affect the District of Tendring as a significant percentage of our District is of a rural nature with farming significantly contributing to our local economy.*

(B) Therefore this Council, in accordance with the Corporate Plan themes of “Pride in our area and services to residents” and “Championing our local environment” requests that –

- (1) the Leader of Tendring District Council, Councillor Mark Stephenson, through a resolution from Cabinet instructs Officers:-*
 - (a) to establish the total number of commercial farms and smallholdings operating and based in the Tendring District; and*
 - (b) via consultation with local farmers and investigation, to determine a realistic assessment of the potential impact on these businesses and the subsequent impact on the District of Tendring and the local economy.*
- (2) the findings of the above be reported back to Cabinet and thence onto the relevant Overview and Scrutiny Committee at the earliest opportunity given the potential serious implications.*
- (3) the findings together with the Cabinet’s final decision on this matter be reported to Full Council for its information.”*

Prior to the commencement of the meeting the Council’s Monitoring Officer (Lisa Hastings), pursuant to Council Procedure Rule 12.5 had produced and circulated to Members an Advisory Note that set out the statutory officers’ professional advice in relation to this motion as follows:-

“SECTION 151 OFFICER:

There is likely to be a relatively significant cost involved and an appropriate budgetary amount would need to be set aside as part of considering this motion, or referred to Cabinet for consideration as part of developing the forecast before any associated activities got underway.

HEAD OF PAID SERVICE:

The resources required to undertake detailed research on the impact of a government policy would put significant drain on the capacity of the organisation who are working to deliver Cabinet’s existing priorities, the Committees’ work programmes, as well as

business as usual of services across the Council. The type of data being sought should be in the public domain and the impacted parts of the community will have access to their own bodies and representatives.

MONITORING OFFICER:

Article 13.02 of the Council's Constitution sets out the Principles of Decision Making, in that all decisions of the Council must be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);*
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;*
- (c) Respect for human rights, and equality and diversity;*
- (d) A presumption in favour of openness;*
- (e) Clarity of aims and desired outcomes; and*
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).*

To ensure that decisions made do follow these principles, detailed reports are prepared to support Members' in making informed decisions, knowing the desired outcomes and resources required (financial and non-financial). Undertaking research is an Executive function and consequently, it will be Cabinet's decision whether to proceed or not, even if the motion is supported.

Summary of Statutory Officers' Advisory Note: COUNCIL PROCEDURE RULE 12:

The Council's Statutory Officers do not consider that there are reasons why the Motion should not be dealt with at the Council meeting on 26 November 2024. However, it is important to highlight that based on the above advice, the Council would be unable to agree a budget on the night, as it would be unsure on the figure required to support the resources required.

Any decision by Full Council to support the motion would in effect be an 'in principle' decision, and only a recommendation to Cabinet, until such time as the Executive determines whether to exercise the function or not, and agrees a budgeted sum to support the work."

Councillor Harris formally moved the motion and Councillor Bray formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Harris then explained the purpose of the Motion and Council proceeded to debate it.

Councillor Guglielmi moved and Councillor Fairley seconded that Councillor Harris' motion be amended insofar as paragraph (B) be altered to read as follows:-

- (B) "Therefore, this Council, in accordance with the Corporate Plan themes of "Pride in our area and services to residents" and "Championing our local environment" requests that —*

- (1) *The Leader of Tendring District Council, Cllr Mark Stephenson writes to Rachel Reeves MP to ask her to pause the announcement in the Budget of 30th October 2024 on the Agricultural Property Relief (APR) and Business Property Relief (BPR) until a full and national consultation with all those affected by these changes will have taken place.*
- (2) *Before this full and national consultation is launched by the Government, it must be prepared with the full co-operation and oversight of the Department for Environment, Food & Rural Affairs (DEFRA) and the National Farmers Union (NFU) who will provide to the Government full details of its members so to reach the maximum number of farmers affected by these changes, thereby giving a proper assessment of the potential impact on their businesses and the subsequent impact on the local economy of Tendring District.*
- (3) *The Leader of Tendring District Council, Cllr Mark Stephenson lobbies the Local Government Association (LGA) to ask that all its members to likewise write to Rachel Reeves to replicate the action of this Council.”*

In addition to Councillor Guglielmi, Councillors M Cossens, Harris, Fairley and M E Stephenson spoke during the debate on Councillor Guglielmi's amendment.

Councillor Guglielmi's amendment on being put to the vote was declared **CARRIED**.

Councillors Bray, Bush, Land, Everett, Harris, I J Henderson, Doyle, Thompson, Baker, Scott, Guglielmi and M E Stephenson spoke during the debate on the substantive motion.

Councillor Guglielmi's amendment, on being put to the vote as the substantive motion, was declared **CARRIED**.

69. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK

Council had before it the following motion, notice of which had been given by Councillor Bray pursuant to Council Procedure Rule 12:-

“This Council notes and believes that:-

- (i) *the Government is currently undertaking a rewrite of the National Planning Policy Framework;*
- (ii) *clear indications are that Tendring will be burdened with a new housing supply target of 1043 houses per year, a massive increase from our current requirement of 550 per year. We will be expected to build at the new rate for the full term of the local plan some 15 years. Given that, in the entire history of Tendring District Council, we have never achieved a figure this high in any single year, it is beyond reasonable thinking to believe that we could do so for 15 consecutive years. The target set is quite simply unachievable;*
- (iii) *in addition, under the new proposed rules, we will be required to maintain a five year housing supply throughout. This will again be almost double our current proved and agreed need. The Government has chosen to take no account*

whatever of our local need or requirement when calculating the numbers etc. Many councils will like us not be able to reach their respective targets, meaning that a presumption in favour of development will be forced upon us, rendering our local plan all but useless. In turn this will likely lead to unwanted and unsuitable development across our District, as developers seek to gain planning permission in places we would not normally consider to be in the interests of our current and future residents of our District, whilst we will have no effective means of defence against such applications.

Therefore this Council resolves:-

1. *That the Leader of the Council, Councillor Mark Stephenson, in consultation with the Director (Planning and Communities) and on behalf of this Council and the residents it represents, writes to Angela Rayner M.P. asking that further consideration be given to the current review of the National Policy Planning Framework in light of this Council's replies to the Government consultation on the same.*
2. *That this Council offers its thanks and full support to our planning officers regarding the responses given by them to the recent Government consultation.*
3. *That whilst we seek to gain a more favourable outcome for our District, our Officers will continue to do whatever they are able to in trying to reach the position currently expected, in anticipation that our request is ignored or unsuccessful."*

Prior to the commencement of the meeting the Council's Monitoring Officer had confirmed to Members that the statutory officers did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Bray formally moved the motion and Councillor Harris formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Bray then explained the purpose of the Motion and Council proceeded to debate it.

In addition to Councillor Bray, Councillors Baker, Guglielmi, P B Honeywood, White, M Cossens, Calver, Everett, Scott, Harris, Thompson and M E Stephenson spoke during the debate on this matter.

Councillor Bray's motion on being put to the vote was declared **LOST**.

70. REFERENCE FROM THE CABINET - A.2 - LOCAL COUNCIL TAX SUPPORT SCHEME 2025/2026; DISCRETIONARY COUNCIL TAX EXEMPTIONS, DISCOUNTS AND PREMIUMS FOR 2025/2026; AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT FOR 2025/2026

Council was informed that, at its meeting held on 15 November 2024 (Minute 84 referred), the Cabinet had considered a joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.9) which had sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2025/26 (LCTS);
- Exceptional Hardship Policy;

- Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26; and
- Annual MRP Policy Statement for 2025/26.

Having conducted the annual review of the above matters, those Portfolio Holders had proposed to Cabinet:-

- (i) *in terms of the LCTS, to continue with the principle of providing financial stability wherever possible to Tendring claimants;*
- (ii) *to keep the 2025/26 LCTS scheme the same as for 2024/25, which provided for a maximum discount of 80% for working age claimants;*
- (iii) *to not make any changes to the associated hardship policy apart from recognising that council tax payable on second homes / empty properties was not eligible for support;*
- (iv) *to not make any changes for 2025/26 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care;*
- (v) *to not make any changes in respect of existing council tax premiums on long-term empty properties;*
- (vi) *to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes');*
- (vii) *to note that central Government have introduced a number of exceptions where the council tax premium on long term empty properties and/or second homes is not chargeable; and*
- (viii) *to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2025/26 other than minor amendments to reflect revised Guidance.*

Cabinet had been informed that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved by Full Council at this meeting, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

Given the recommendation to continue with the existing LCTS scheme, it had not been proposed to Cabinet to formally refer it for scrutiny to the Resources and Services Overview and Scrutiny Committee, on the grounds that it would be considered by Full Council at this meeting.

In order to proceed towards the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement Cabinet had:-

“RESOLVED that Cabinet agrees that -

- (a) the LCTS scheme for 2025/26 remains the same as the current year (2024/25);
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and
- (c) the discretionary Council Tax exemptions, discounts and premiums for 2025/26 be as set out in the appendices to the Portfolio Holders' joint report.

RECOMMENDED TO COUNCIL that –

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;
- (vii) the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix F, be approved."

A copy of the published Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's joint report (and its appendices) to the Cabinet meeting held on 15 November 2024 was before Council as attached to reference report item A.2.

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council, having considered this reference report (A.2) from Cabinet –

- (a) approves the LCTS scheme for 2025/26, as set out as Appendix 2 to report A.2, with the maximum LCTS award being 80% for working age claimants;
- (b) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (c) approves the locally determined council tax discounts, as set out in Appendix 4 to report A.2;
- (d) approves the council tax discount policy for young people leaving care, as set out in Appendix 5 to report A.2;
- (e) approves the discretionary council tax premiums, as set out in Appendix 6 to report A.2;

- (f) approves that a discretionary council tax premium of 100% will be charged on properties occupied periodically (“second homes”) from 1 April 2025;
- (g) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (h) approves the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix 7 to report A.2.

71. REFERENCE FROM THE CABINET - A.3 - ADOPTION OF A REVISED GAMBLING LICENSING POLICY STATEMENT

Earlier on in the meeting, as reported under Minute 59 above:-

- (i) Councillor Scott had declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District. Councillor Scott therefore withdrew from the meeting and left the room whilst Council deliberated on this matter and made its decision.
- (ii) Councillor P B Honeywood had likewise declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for the Clacton Constituency Conservative Association. Councillor Honeywood therefore also withdrew from the meeting and left the room whilst Council deliberated on this matter and made its decision.

Council was informed that, at its meeting held on 15 November 2024 (Minute 77 referred), the Cabinet had considered a reference report from the Licensing and Registration Committee that had set out that Committee’s recommendations in relation to the adoption of a revised Gambling Licensing Policy Statement.

Cabinet had been informed that a draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation Gosschalks LLP, acting on behalf of the Betting and Gaming Council, had submitted a consultation response. As part of that response, Gosschalks had put forward amendments to paragraphs 15.11 and 24.2 of the Policy Statement.

The draft Policy Statement had sought to set out how this Council (as the licensing authority) would regulate gambling activities within the District. Whilst for the majority of the general public, gambling was an enjoyable and often social experience, it was for some individuals a largely hidden addiction which taken to excess had an adverse impact on their finances, health, wellbeing and relationships. The wellbeing of its residents was a key priority for the Council and the Gambling Policy had a role to play in supporting this priority through its control of gambling premises. It was hoped that the new revised policy statement was clear and easily understood and would be of significant use to the Council, its partners and operators when considering gambling matters.

The Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 23 referred), had considered the matter again (including the response received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

“RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption.”

The Portfolio Holder for Housing and Planning, as the designated Executive Member for overseeing licensing policy matters, had submitted the following written statement to Cabinet at its meeting held on 15 November 2024:-

“I thank the Licensing and Registration Committee for its oversight of the development of this revised policy statement on behalf of the Council. It is important that we operate the Council’s gambling licensing functions in a way that promotes the Gambling Act 2005’s objectives of:

- *preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- *ensuring that gambling is conducted in a fair and open way*
- *protecting children and other vulnerable people from being harmed or exploited by gambling.*

I am pleased to be able to support the adoption of this revised policy statement and urge Cabinet to recommend this to Full Council.”

Cabinet had consequently:-

“RESOLVED that Cabinet recommends to Full Council that the Gambling Licensing Policy Statement be adopted.”

A copy of the published reference report of the Licensing and Registration Committee (and its appendix) to the Cabinet meeting held on 15 November 2024 was before Council as an attachment to this reference report (A.3).

It was moved by Councillor M E Stephenson and:-

RESOLVED that Full Council approves and formally adopts the revised Gambling Licensing Policy Statement, as set out in Appendix 2 to this reference report (A.3).

72. REFERENCE FROM THE CABINET - A.4 - CLIMATE CHANGE TARGET DATE: AMENDMENT

Council was informed that, at its meeting held on 15 November 2024 (Minute 85 referred), the Cabinet had considered a report of the Portfolio Holder for the Environment (A.10), which had sought to enable Cabinet to determine its recommendation to Full Council with a proposal of amending the Council’s current policy target to achieve net zero carbon in scope one and two emissions from 2030 to the Government’s target date, currently 2050, in order to allow for more financially sustainable investment to meet the target.

The Portfolio Holder's report had also set out the proposed Climate Action Plan for 2024-27, subject to Cabinet's endorsement, which would look to deliver against the new target, following Full Council's approval.

Cabinet had further been requested to note that an action within the Action Plan was for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

The Environment Portfolio Holder had proposed that the Council aligned its target date for scope one and two emissions to reach net zero to the Government's national target date, currently set at 2050, because this Council could not financially sustainably become net zero by 2030. This change was a realistic, value for money approach to responding to climate change. Aligning with the national target meant that the Government policy, regulation and funding required to meet net zero would be brought forward to enable the country, and so this Council, to meet what remained a challenging ambition by 2050.

Cabinet had been made aware that the Government would need to regulate to meet the 2050 target, and as it did so new statutory responsibilities for the Council would come with new burdens funding to deliver them. Over time it was expected that innovations in technology would make improvements in carbon reductions better value for money, more locally available (in terms of supply and maintenance), and more realistic in terms of delivery. The national target date of 2050 had therefore been recommended by the Environment Portfolio Holder.

Cabinet had consequently:-

"RESOLVED that Cabinet -

- a) *notes the contents of the Environment Portfolio Holder's report (A.10) and in particular the development of a draft Climate Change Action Plan, as set out in Appendix A for 2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;*
- b) *recommends to Full Council that –*
 - i) *the Council's Policy Framework (within Article 4 of the Constitution)) be amended to "Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive";*
 - ii) *in recognition that at a national level the UK Government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050 and based on the Council's resources, the Council's new target for achieving Net Zero carbon emissions be aligned with the UK's national objectives to achieve Net Zero, by 2050; and*
 - iii) *Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.*
- c) *subject to Full Council approving the revised Net Zero target, the new Climate Change Action Plan for 2024-2027 be adopted via an executive decision being made by the Portfolio Holder for the Environment; and*

- d) *notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.*

A copy of the published report of the Environment Portfolio Holder (and its appendices) to the Cabinet meeting held on 15 November 2024 was before Council as attached to this reference report (A.4).

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council –

- (a) approves that the Council's Policy Framework (within Article 4 of the Constitution)) be amended to: "Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive";
- (b) approves that the Council's new target for achieving Net Zero carbon emissions be aligned with the UK Government's national objectives to achieve Net Zero, i.e. by 2050; and
- (c) agrees that Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.

73. REFERENCE FROM THE CABINET - A.5 - ADOPTION OF A SOCIAL VALUE POLICY

Council was informed that, at its meeting held on 15 November 2024 (Minute 82 referred), the Cabinet had considered a report of the Portfolio for Assets which had presented to Cabinet for its approval a Social Value Policy to demonstrate how the Council would deliver corporate priorities by achieving social value through procurement ensuring the additional benefit to the community which it could derive, over and above the direct purchasing of goods, services and outcomes, where those quality criteria were relevant and proportionate to the subject matter of the contract and non-discriminatory.

The Portfolio Holder had put forward that implementing a Social Value Policy could elevate social value from a procurement process to an organisation-wide policy. Organisation-wide ownership of social value, would encourage each project owner across the Authority to consider how they could achieve priority objectives in the Corporate Plan, thereby ensuring they made a commercial contribution in line with the Local Government Act 1988. For example, a project manager in Directorate A could enable local jobs and skills opportunities, thereby delivering on corporate objectives in Directorate B.

The Policy could also enable this Council to set out a framework for:

- *ensuring the social value measures we used aligned to the Corporate Plan and how changes to Social Value Themes, Outcomes and Priorities were made; and*
- *how changes to the specific measures listed in the TOMs Calculator were made where they delivered Outcomes agreed by the Cabinet. Each Measure sat under one of the agreed Social Value Outcomes.*

This option had been recommended because it met best practice principles of publishing an organisation-wide Social Value Policy and it would enable the Council to adopt the TOMs Calculator efficiently to harness specific opportunities to deliver on corporate objectives (but only where they delivered on the outcomes already agreed by the Cabinet).

Whilst Social Value could apply with any value of contract, there was an operational cost to preparing and scoring the evaluation model. Therefore, the Portfolio Holder had proposed that the Council would normally only require social value to be considered when it was procuring a contract with a value of over £100,000.

Cabinet had consequently:-

“RESOLVED that Cabinet -

- (a) approves the Social Value Policy, as set out in Appendix A, for recommendation onto Full Council for adoption;*
- (b) authorises the Portfolio Holder for Assets (with responsibility for procurement) to approve changes to the list of Social Value Measures in the TOMs Calculator, where those measures deliver on the Outcomes agreed by Cabinet;*
- (c) authorises the Director (Governance) (with responsibility for procurement) to approve the removal of TOMs measures for specific procurements, in order to meet the Public Contracts Regulations requirements for relevance, proportionality to the subject matter of the contract and non-discrimination; and*
- (d) endorses an annual social value statement to reaffirm their goals to suppliers and measuring social value progress.”*

A copy of the published reference report of the Assets Portfolio Holder (and its appendix) to the Cabinet meeting held on 15 November 2024 was before Council as attached to this reference report (A.5).

It was moved by Councillor M E Stephenson and:-

RESOLVED that Council approves and formally adopts the Social Value Policy, as set out in Appendix 2 to this reference report (A.5).

74. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

Council would consider any reports submitted to it by an Overview and Scrutiny Committee.

No such reports had been submitted for consideration at this meeting.

75. REPORT OF THE CHIEF EXECUTIVE - A.6 - COMMUNITY GOVERNANCE REVIEW FOR CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS

Council considered a report of the Chief Executive (A.6) which sought to provide it with the information it had requested at the last meeting of the Council (Minute 50 of 17 September 2024 referred in respect of a possible community governance review of the unparished areas of the District. Council had requested: *“that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be*

prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.”

The Chief Executive’s report therefore set out proposals for Council to consider in respect of a possible community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. Those proposals were in the form of draft Terms of Reference for such a review (which themselves included a timetable for such a review) and possible costs to be incurred in undertaking such a review. If Council was minded to proceed with a community governance review there would need to be a recommendation to Cabinet to authorise the necessary expenditure to facilitate that review. This was set out as one of the recommendations in the Chief Executive’s report for Members’ consideration.

Appendix A to the Chief Executive’s report set out the draft Terms of Reference for the possible Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands and Appendix B thereto set out a proposed amendment to the Community Leadership Overview and Scrutiny Committee’s Terms of Reference which would, if approved, enable that Committee to undertake functions relating to the making of recommendations to Council on the review pursuant to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.

In addition to Councillor M E Stephenson, Councillors Griffiths, Scott, Thompson, P B Honeywood, Bray, Baker, Guglielmi, Amos, Land, Calver and Talbot spoke during the debate on this matter.

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

RESOLVED that Council -

- (a) being minded to see a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick proceed;
- (b) hereby determines the following:-
 - (i) that the draft Terms of Reference for the community governance review, as set out at Appendix A to report A.6, be approved as the basis for that review;
 - (ii) that the Chief Executive be authorised to adjust the Terms of Reference approved in (b)(i) above to finally be published to reflect the current position as known on 1 July 2024 in relation to matters such as the 2025/26 Parish Precepts and consequential Band D Council Tax amount in each area of the District;
 - (iii) that, subject to (iv) below, Cabinet be requested to include within the recommended budget for 2025/26 the minimum sum of £48.4K to fund consultation and other expenses in respect of the community governance review and thereby authorise Officers to incur expenditure to undertake the review following approval of the budget;
 - (iv) that Officers be requested to monitor the anticipated costs to deliver the review, including postage charges; to update the likely cost of the review; and to inform Cabinet to enable the sum in (c) above to be updated as necessary;

- (c) that the terms of reference for the Community Leadership Overview and Scrutiny Committee be expanded, as set out in Appendix B to report A.6, to include a reference power to consider and oversee community governance reviews and to submit a final recommendation to Council following the conclusion of the review (including any proposal to discontinue the review in any particular part of the review area based on responses received);
- (d) that Council approves the delegation of functions for community governance reviews, as set out in Table 1, within this report (A.6), to be included within Part 3(X), Schedule 2 Non-Executive functions for Full Council; and
- (e) that the Monitoring Officer be authorised to make the necessary changes to the Constitution to implement the Council's decision.

76. REPORT OF THE CHIEF EXECUTIVE - A.7 - MEMBERS OF THE COUNCIL'S INDEPENDENT REMUNERATION PANEL

Council considered a report of the Chief Executive (A.7) which sought its approval for the appointment of the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 30 April 2024 and in order to ensure compliance with Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003.

Members were reminded that there was a requirement, following the decision taken at Full Council on 22nd November 2022 that alternative arrangements for the Council's IRP be explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment.

It was reported that, during 2023, Braintree District Council (BDC) had expressed an interest in joint working on the IRP Members and had advertised to recruit to their IRP role and had included reference to working with other Essex Councils (although Tendring District Council (TDC) had not been specifically named). This Council's Director (Governance) & Monitoring Officer had taken part in the BDC interview process in 2024 and each candidate had confirmed they would be interested in joint working with TDC, if this was approved locally as an approach going forward.

Council recalled that the term of office for TDC's Independent Remuneration Panel had expired in April 2024 and that, following a reference report from the Standards Committee, Council had approved on 30 April 2024 (minute no. 14 referred):–

“(b) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council; and

(c) for the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors.”

Following that decision of Full Council in April 2024, the Chief Executive reported that all IRP members appointed by BDC had expressed an interest in being involved with

TDC's IRP and that all six candidates had been individually interviewed by the Chief Executive, the Director (Governance) & Monitoring Officer and the Head of Democratic Services and Elections.

Council was informed that the experience and/or interest in the role had been of a high standard with a range of backgrounds and that, consequently, the Council would benefit from appointing all six in order to form a pool of members for an IRP to undertake reviews of Members' Allowance Schemes for the District Council and the District's Town and Parish Councils.

The Chief Executive and the Monitoring Officer had therefore recommended to Council that the following candidates be appointed by Tendring District Council for a term of up to seven years:

- **Andy Barton** – *Self-employed therapist providing services to leaning disabled and elderly clients with a care home setting, spanning 28 care homes across Essex, Suffolk and North. Experience working on an Independent Panel in Essex.*
- **Tricia Bernard** - *Mental Health Counsellor at a charity based in Essex. Experience working on Independent Panels in Suffolk and Essex.*
- **John Bryant BA Hons (QTS) NPQH NPQEL** - *education background including as a Head Teacher, now freelance and self-employed in a number of roles, covering being a member of governing boards and experience at clerking level.*
- **Joy Ikumoinin** - *Health and Social Care Professional with experience in successfully implementing social care digital systems, building strong relationships and applying innovative approaches to social care.*
- **David Irvine** – *Retired. Currently Independent Person for Tendring District Council and other local authorities. Independent Person for an Audit Committee. Experience working on Independent Panels in Suffolk and Essex (including Tendring).*
- **Georgia Riley** – *qualified solicitor previous volunteering experience with CAB. Experience working on an Independent Panel in Essex.*

Council was reminded that the current Scheme of Allowances for Members for 2023/24 had been approved in January 2023 and would last until 2027/28. Therefore, commencement work on reviewing the Allowances Scheme would not be required until the latter part of 2026 however, it was important that the District Council had an established IRP in place, to respond to an earlier review if required, based on circumstances arising. Therefore, it was proposed that a retainer allowance be made of £300 per annum to all IRP Members and a further £300 for those IRP Members involved in a formal review. There would however be regular contact with the Panel to keep in touch over the interim period, which would enable information and data to be shared to gain an earlier understanding about the demographics of Tendring and the opportunities and challenges it faced.

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

RESOLVED that Council -

- (a) upon receiving recommendations from the Chief Executive and Monitoring Officer, approves the appointment of the following individuals as members of the Independent Remuneration Panel:

-
- (i) Andy Barton;
 - (ii) Tricia Bernard;
 - (iii) John Bryant;
 - (iv) Joy Ikumoinin;
 - (v) David Irvine; and
 - (vi) Georgia Riley.
- (b) authorises the Chief Executive and Monitoring Officer to determine the individual term of office for those Independent Remuneration Panel Members for a term of up to 7 years;
- (c) subject to (d) below, agrees that the members of the Independent Remuneration Panel will receive an allowance of £300 per annum as a retainer, with an additional £300 allowance for undertaking a formal review of the Members Allowance Scheme; and
- (d) requests Cabinet to establish and approve the allocation of a budget within the relevant financial report to meet the above allowances prior to any payments being made.

77. REPORT OF THE MONITORING OFFICER - A.8 - LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN FINDING

Members were aware that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission had given rise to maladministration. This Monitoring Officer report (A.8) concerned actions that the Local Government and Social Care Ombudsman had determined were maladministration/service failings.

This particular report was also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government and Social Care Ombudsman.

Council was informed that the matter related to a claimed failure by the Council to investigate concerns about a development neighbouring the complainant's home; a failure to correctly apply permitted development guidance and building regulations; and about the Council's complaint handling. The Ombudsman had found that the Council was not at fault for how it had considered and applied the permitted development guidance. It had not questioned the merits of the Council's decision in this regard. The Ombudsman had found the Council at fault for not making a clear decision on whether building regulations applied to the development and for not addressing concerns raised by the complainant in a timely way. This had caused avoidable injustice for the complainant. The Ombudsman had also found the Council at fault for its complaint handling. Recommendations to remedy the injustice caused had been submitted to the Council and accepted by it.

The recommendations from the Ombudsman in the case were:

Within four weeks of the final decision being issued, to:

- a) *Provide a written apology to the complainant for the faults and injustice identified.*
- b) *Pay the complainant £400 in recognition of the injustice experienced.*

It was reported that the Council had provided the requested apology and had taken the necessary step to pay the sum identified to the complainant. Those steps had included the publication of the decision of the Chief Executive to authorise the payment concerned. This had been published on 12 November 2024.

Members were advised that, since the time of the complaint, the Council had implemented revised procedures around complaint handling with a view to improving the consistency of compliance with the Council's existing complaints procedure. In addition, that complaints procedure was itself being revised to align with the expectations of the two Ombudsman Services (separately for Local Government & Social Care and for Housing) as set out in their parallel codes.

The Director of Planning and Communities had met with both the Building Control & Planning Enforcement teams and had shared the Ombudsman's final decision and findings with them at their team meetings. The Director of Planning and Communities had set down a clear expectation of the timelines required for responses to complaints and enquiries and had stressed that ongoing matters should be closed in a clear and precise manner which would include a full explanation to the customer / complainant. Further training had been arranged and would cover improvements to customer service.

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

RESOLVED that this Monitoring Officer's report (A.8) and, in particular, the findings/orders/recommendations from the Local Government and Social Care Ombudsman in the case covered by this report; the compliance with those matters by the Council; and the wider learning points set out; be formally received and noted.

78. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

One question on notice had been submitted by a Member on this occasion as set out below:-

Question

Councillor P B Honeywood asked Councillor M E Stephenson, the Leader of the Council:-

“At the Council meeting held on 17th September 2024 this Council debated a motion in response to the Labour Government's plans to cut winter fuel payments from all pensioners except those receiving pension credits (Minute 51).

That motion, as amended by Councillor M E Stephenson, and passed by this Council stated, inter alia, the following:-

- 3. Following the Government's decision to remove the Winter Fuel Payment from pensioners not in receipt of pension credit, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to*

pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.

- 4. The availability of Pension Credit be promoted by the Council and with partners to assist all those entitled.”*

Can the Leader of the Council please update this Council on the action he and his Cabinet have taken following the urgent review as to how Tendring District Council, with the inclusion of its partners and other local organisations, has offered support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government’s decision to cut winter fuel payments and how the availability of Pension Credit has been promoted by the Council and with partners to assist all those entitled?

Could the Leader of the Council also update this Council as to when these actions were taken and how successful they have been?”

The Leader of the Council replied as follows:-

“Thank you Councillor Honeywood for your question.

This Council is committed to providing support and advice to local pensioners to take up money that they are entitled to, in particular Pension Credit, and to work with partners to do so.

The Council has a Fuel Poverty Officer who developed and provided a leaflet that informs people how to access pension credit and wider support, which has been circulated, in particular at the energy hub in Jaywick.

I requested officers to contact the Department of Work and Pensions (DWP) to obtain posters and leaflets promoting the take up of Pension Credit. The request was made of DWP on September 24th.

The Council sent out social media posts to promote Pension Credit take up on 28 September. Facebook reached 1,700 people with 15 interactions. We followed up on 13th November with a further post on Facebook with a reach of 841 and Next Door received 634 impressions. We also posted on Instagram.

I also sent out a link to information from Age UK on Pension Credit.

On the 17th October Lee Heley, the Deputy Chief Executive, wrote to all Council members asking them to share leaflets with their networks including the DWP Pension Credit leaflet, and the TDC Winter Support leaflet, as well as a leaflet from CVST on their winter warmer events.

Pension Credit drop in’s took place at CVST in Clacton on 5 November and Harwich on 19 November, delivered by Peabody. The Council has helped signpost residents to these events.

Citizens Advice Tendring has promoted the take up of pension credit and winter fuel payment through their community advisors, welfare benefits advice, their website, promotion on BBC Essex, Facebook, Instagram and TikTok.

On the 14th November an officer attended the Older People's Forum at Frinton Community Hall to promote the importance of increasing the uptake of pension credit. A briefing was provided by the Council representative identifying the actions taken by the Council to raise awareness and provide support. The event was organised by CVST, and attended by partners including Age Well East, Community Agents Essex and Essex Carers Support. This was the first Older People's Forum after the last Full Council Meeting.

I wrote to the two local MPs to ask for their support in promoting pension credit, and to the Chancellor Rachel Reeves requesting that the Government promote pension credit.

You will see that our website has a page on Pension Credit, with a link to the government information.

Leaflets and posters have been distributed across the District. In Clacton Tendring Community Transport will put a poster up in each of their 10 buses; posters have been distributed to several banks; Clacton library; Clacton train station; Specsavers; The Post Office; and several pharmacies.

Leaflets have been delivered in Brightlingsea and are well supported with Peabody/CAB going into the Parish Council. Leaflets have also been provided to the shops and library and also the Autumn Centre for their lunch club members.

Leaflets have been put out in Jaywick including the Sunspot Café, the Resource Centre and shops. Some were also put in the SOS bus which was on site.

Leaflets and posters have been provided in Harwich and Dovercourt including to supermarkets, the library, Essex Pedal Power, Park Pavilion, CVST and are also present in Harwich Town Council.

Leaflets have been provided to shops in Frinton and Walton.

The Digital Access Team that supports digital access in Colchester and Tendring has put information and a link to the Government's Pension Credit website on digital access points – in effect tablet computers - in 14 GP surgeries across Tendring.

In short, there has been a sustained campaign of support for pensioners to take up pension credit in Tendring, sharing information across partners and across the District."

Councillor P B Honeywood then asked a question of clarification to which Councillor M E Stephenson responded.

79. URGENT MATTERS FOR DEBATE

No urgent matters had been submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p) for this meeting.

The Meeting was declared closed at 10.08 pm

Chairman

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QUESTIONS PURSUANT TO COUNCIL PROCEDURE 10

The following question has been received, on notice, from a member of the public:

From Paul Townend to Councillor Gina Placey, Portfolio Holder for Partnerships:

“Residents in this District who have sensory, or mobility issues can find it very difficult to do such basic tasks like shopping. With a growing elderly population and mobility issues on the rise I, in association with the local Frinton Macular & Essex sight group feel things need to be put in place to assist all such residents and holiday makers alike.

We are fully aware that the design of many of our shops and business are of an old design but rather than just say nothing can be done to reasonably assist, as per the law, we believe that things can be improved.

Our plan is to initially supply 50 shops and businesses to get a wireless doorbell to assist those who maybe can't get up a step to get in their premises, assist to open a heavy door or even enable staff to serve them at the door with a longer-term aim to extend this throughout the District. We can provide examples of how great these have worked in St Neots with the local council fully behind the scheme.

As a group that cares about raising awareness, improving access & the experiences of people with Sensory or Mobility issues we would also like to be involved in any other areas we can improve locally, and we would be more than happy to arrange a meeting to discuss this matter further.

Our question to the Partnerships Portfolio Holder is would you and your officers be prepared to engage with us and assist and support us to get a grant and bring this project to fruition?”

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON MONDAY, 9TH DECEMBER, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Sudra (Chairman), Steady (Vice-Chairman), Fairley, Morrison and Platt (item 52 only)
Also Present:	Aphrodite Lefevre (Audit Director, BDO LLP), Tshiamo Hlatshwayo (Audit Manager, BDO LLP) and Jodie Preston (Auditor, KPMG)
In Attendance:	Richard Barrett (Director (Finance and IT) & Section 151 Officer), Ian Ford (Committee Services Manager), Craig Clawson (Internal Audit Manager), Karen Hayes (Executive Projects Manager (Governance)), Bethany Jones (Committee Services Officer) and Debbie West (Finance Officer)

48. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted nor substitutions on this occasion.

49. MINUTES OF THE LAST MEETING

It was moved by Councillor Sudra, seconded by Councillor Morrison and:-

RESOLVED that the Minutes of the meeting of the Committee, held on 26 September 2024, be approved as a correct record and be signed by the Chairman.

50. DECLARATIONS OF INTEREST

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

51. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

52. REPORT OF THE DIRECTOR (FINANCE AND IT) & SECTION 151 OFFICER - A.1 - EXTERNAL AUDITOR'S PLANNING, COMPLETION AND ANNUAL REPORTS RELATING TO 2020/21, 2021/22 AND 2022/23

The Committee considered a report of the Director (Finance & IT) (A.1) which presented for consideration and approval the following, in order to enable final opinions on the accounts and value for money arrangements to be formally issued by the External Auditor:-

- *the External Auditor's Updated Audit Completion Report relating to 2020/21;*
- *the External Auditor's Combined Audit Planning and Audit Completion Reports relating to 2021/22 and 2022/23;*
- *the External Auditor's Combined Annual Report for the years ended 31 March 2021, 31 March 2022 and 31 March 2023; and*

- *the Council's Statement of Accounts (including the Annual Governance Statements) for 2020/21, 2021/22 and 2022/23 for consideration and approval for publication by the backstop date of 13 December 2024.*

Members were reminded that, on 30 July 2024, the Government had set out proposals to tackle the backlog, which included setting a backstop date of December 2024 to clear the backlog of unaudited accounts up to and including the financial year 2022/23. This aimed to enable the system to refocus on recent accounts where assurance was most valuable. There were also five further backstop dates up to, and including, the financial year 2027/28 to allow assurance to be rebuilt over several audit cycles.

The Government had laid before Parliament two pieces of legislation that would give effect to those proposals: the Accounts and Audit (Amendment) Regulations 2024 and, on behalf of the Comptroller & Auditor General of the National Audit Office (NAO), a Code of Audit Practice 2024.

The Committee was made aware that the Accounts and Audit (Amendment) Regulations 2024 had come into force on 30 September 2024, which had removed the current requirement to publish audited accounts for financial year 2023/24 on that date. The deadline for the publication of audited accounts for 2023/24 would, instead, be 28 February 2025 in order to coincide with the second backstop date. The Regulations also amended the date by which bodies should publish draft (unaudited) accounts to 30 June 2025 for financial years 2024/25 – 2027/28. Auditors were now required to produce timely audit opinions (which might result in the issue of a disclaimed or modified opinion).

It had been acknowledged that issuing modified or disclaimed audit opinions where audits could not be completed by a backstop date could be uncomfortable for stakeholders, including Local Authorities themselves. However given the scale of the backlog and the absence of viable alternatives, the Government had taken the difficult decision to proceed with the backstop date approach highlighted above.

It was felt important to highlight that the Government recognised these measures as exceptional in nature and that local bodies should not be unfairly judged based on disclaimed or modified opinions, caused by the introduction of backstop dates that were largely beyond their control.

Auditors were therefore expected to provide clear reasons for the issuing of such opinions in order to mitigate the potential reputational risk that local bodies might face.

It was reported that in-line with the backstop dates previously discussed, the Council's External Auditor had substantially completed the necessary audit work associated with 2020/21, with their associated Audit Completion Report attached, which included a management representation letter for approval by the Committee.

Also, in-line with the backstop dates mentioned above, the Council's External Auditor had also issued their Audit Completion Reports relating to 2021/22 and 2022/23. Those were included together with their audit planning responsibilities / activities, with combined completion and planning reports therefore provided for both those respective years.

As set out elsewhere in the report (A.1), the External Auditor anticipated issuing a modified opinion for 2020/21 and a disclaimer opinion for both 2021/22 and 2022/23.

The reason for the disclaimer opinions in both 2021/22 and 2022/23 related to the back stop dates. The back stops dates had also contributed to some extent to the modified opinion anticipated for 2020/21, as it had not been possible for the External Auditor to undertake any additional assurance work relating to the two unresolved matters.

The Council's Statement of Accounts for 2020/21, 2021/22 and 2022/23 were attached to the report, which reflected any necessary amendments agreed in consultation with the External Auditor.

In respect of 2020/21, the External Auditor had highlighted a number of recommended adjustments. It was not proposed to make the associated changes as they were not deemed to be material.

This report (A.1) also set out the External Auditor's Combined Annual Audit Report, which summarised the above along with providing their value for money commentary on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources. The outcome provided a very positive view on the Council's arrangements and provided welcomed independent assurance on related matters.

Subject to the Committee's consideration of the various attached reports, and approval of the Statement of Accounts for 2020/21, 2021/22 and 2022/23 (including the Annual Governance Statements) it was proposed by the Director (Finance & IT) to publish the Accounts for all three years by the backstop date of 13 December 2024.

Aphrodite Lefevre, Director of BDO LLP, the Council's outgoing Appointed Auditor, led the Committee through the seven attachments to the Director's report which were:-

Attachment 1 - External Auditor's Updated Audit Completion Report: Year ended 31 March 2021

Attachment 2 - The Council's Statement of Accounts 2020/21 for Publication (Including the Annual Governance Statement)

Attachment 3 - External Auditor's Combined Audit Planning Report and Audit Completion Report: Year ended 31 March 2022

Attachment 4 - The Council's Statement of Accounts 2021/22 for Publication (Including the Annual Governance Statement)

Attachment 5 - External Auditor's Combined Audit Planning Report and Audit Completion Report: Year ended 31 March 2023

Attachment 6 - The Council's Statement of Accounts 2022/23 for Publication (Including the Annual Governance Statement)

Attachment 7 - External Auditor's Audit Annual Report (Covering 2020/21, 2021/22 and 2022/23)

In relation to the 2020/21 Accounts – Valuation of Non-Current Assets – Other Land and Buildings valued at Depreciated Replacement Cost (DRC), Ms Lefevre brought the following matter to the Committee's attention:-

- *For buildings revalued using the DRC method, the Council could not provide the floor plans to substantiate the GIAs used in arriving at the value of the buildings. The existing floor plans were not retained by the Council post-valuation. The GIAs are key inputs to the valuation and without any evidence, the value of the assets could be materially misstated.*
- *Furthermore, we were unable to satisfy ourselves by performing alternative procedures, that the value of the assets were free from any potential misstatements.*
- *Due to the backstop deadline imposing a limitation on the time available to perform any further procedures to resolve the differences, we are unable to form a reliable conclusion on this matter and therefore, have to limit the scope of our opinion on this area.*

– Valuation of Non-Current Assets – Infrastructure Assets, Ms Lefevre brought the following matter to the Committee’s attention:-

- *The Council has applied a blanket wide 20 years useful life for seafront defences which is not based on expert advice but instead a judgement exercised by management without relevant substantive evidence.*
- *During the course of the audit, management sought expert advice from the project manager who was involved in the Clacton & Holland Sea project in 2014 and 2015.*
- *We have been unable to obtain advice from an Auditor's expert due to the backstop deadline imposing a limitation on the time available to seek external expert advice. As such, we are unable to conclude on the reasonableness of judgements made by management’s expert on the useful economic life and therefore, have to limit the scope of our opinion on this area.*

In relation to the 2020/21 Accounts – Use of Resources Overview – New Code of Audit Practice, Ms Lefevre brought the following matter to the Committee’s attention:-

“While our work was originally initiated in line with then existing scope, changes brought about by the revised Code of Audit Practice (2024), which became effective on 14 November 2024 but applies retrospectively for local government audits for 2020/21, reduces the scope of work on which auditors are required to perform work and report. This reduces the overall number of arrangements we review from fourteen to seven. In line with this scope reduction, as part of our Auditor’s Annual Report, we have only reported commentary in relation to financial sustainability and governance, and included commentary for the two subsequent years (2021/22 and 2022/23), also performed to this reduced scope, in the same report.”

<u>Summary of Questions Asked by Members</u>	<u>Summary of Answers Received</u>
What was the audit fee for this year [2020/21]?	[Ms Lefevre] Approximately £40-50,000.
Is it the case that other audits e.g. NHS were prioritised over local authority audits such as TDC’s audits due to the lower audit fees for local authority accounts?	[Ms Lefevre] Agreed that the audit fees for that period had not been at the right level.
The issue relating to the floor plans is a long-standing one. Why was this not flagged up earlier?	[Ms Lefevre] BDO has pursued many options in trying to resolve this issue including contacting TDC’s old and new

	valuers. The only realistic remaining option is for TDC to re-measure the floor areas of its buildings.
What is the impact of these Disclaimers on TDC?	[Richard Barrett] This is not a representation of TDC's reputation. Many other local authorities are in the same position. The two issues in question are shown clearly in the Accounts for the sake of transparency and have their context provided. In the coming years it will be the task of Officers working alongside the Audit Committee to build up the level of assurance once more. Having the value for money assurance from the External Auditor was key as it was an independent assessment.

In relation to the 2021/22 and 2022/23 Accounts, Ms Lefevre confirmed that BDO LLP had not identified any material misstatements nor had they identified any audit differences that had not been adjusted for. In respect of the overview of risks, the backstop date had created time constraints that had impeded BDO LLP from completing all necessary risk assessment procedures. Therefore, BDO LLP had not been able to meet the objective of ISA (UK) 315 Identifying and Assessing the Risks of Material Misstatement, which was to identify and assess the risks of material misstatement, whether due to fraud or error, at the financial statement and assertion levels thereby providing a basis for designing and implementing responses to the assessed risks of material misstatement. Had BDO LLP met the objective of ISA (UK) 315, it might have identified additional risks to those listed in their report.

In response to a question from a Member, Richard Barrett confirmed by reference to the balance sheet as at 31 March 2022 that the net book value of Property, Plant and equipment at 31 March 2022 had increased by £26.880million to £261.539million compared to the balance at 31 March 2021.

In relation to the Combined Auditor's Annual Report for the years ended 31 March 2021, 31 March 2022 and 31 March 2023, Ms Lefevre highlighted the following matters:-

- (1) Significant deficiencies in controls – year ended 31 March 2021;
- (2) Disclaimed audits for years ended 31 March 2022 and 31 March 2023 due to the backstop date;
- (3) Value for Money: Risk Assessment had identified three risks of significant weakness namely significant amount of carry forward each year from the planned projects of revenue and capital items which indicated an issue of deliverability of planned projects; data security breaches due to practice of auto-forwarding of Councillors' emails to their personal email accounts; and an over-reliance on central government grants that could impact the flexibility of delivering services and capital projects;
- (4) Financial Sustainability;
- (5) Governance; and
- (6) Improving economy, efficiency and effectiveness.

In response to a question from a Member, Ms Lefevre confirmed that she had no specific suggestions to make to the Council in respect of the identified value for money risks.

It was moved by Councillor Sudra, seconded by Councillor Steady and:-

RESOLVED that, in respect of the 2020/21 Statement of Accounts and the associated Updated External Auditor's Audit Completion Report for the year ended 31 March 2021, the Audit Committee:

- (a) notes the contents of the report;
- (b) approves the management representation letter set out on Pages 33 to 35 of the External Auditor's Updated Audit Completion Report for the year ended 31 March 21;
- (c) authorises the Director (Finance & IT) and the Chairman of the Audit Committee to sign the management representation letter for forwarding to the External Auditor; and
- (d) approves for publication the audited Statement of Accounts for 2020/21 as attached, and approves for signing, the Annual Governance Statement set out in within Pages A1 to A18 of the same attachment.

It was moved by Councillor Sudra, seconded by Councillor Morrison and:-

RESOLVED that in respect of the 2021/22 Statement of Accounts and the associated External Auditor's Combined Audit Planning and Completion Report for the year ended 31 March 2022, the Audit Committee:

- (a) notes the contents of the report;
- (b) approves the management representation letter set out on Pages 23 to 25 of the External Auditor's Combined Audit Planning and Completion Report for the year ended 31 March 2022;
- (c) authorises the Director (Finance & IT) and the Chairman of the Audit Committee to sign the management representation letter for forwarding to the External Auditor; and
- (d) approves for publication the audited Statement of Accounts for 2021/22 as attached, and approves for signing, the Annual Governance Statement set out in within Pages A1 to A23 of the same attachment.

It was moved by Councillor Sudra, seconded by Councillor Morrison and:-

RESOLVED that in respect of the 2022/23 Statement of Accounts and the associated External Auditor's Combined Audit Planning and Completion Report for the year ended 31 March 2023, the Audit Committee:

- (a) notes the contents of the report;

- (b) approves the management representation letter set out on Pages 23 to 25 of the External Auditor's Combined Audit Planning and Completion Report 2022/23;
- (c) authorises the Director (Finance & IT) and the Chairman of the Audit Committee to sign the management representation letter for forwarding to the External Auditor; and
- (d) approves for publication the audited Statement of Accounts for 2022/23 as attached, and approves for signing, the Annual Governance Statement set out in within Pages A1 to A25 of the same attachment.

It was moved by Councillor Sudra, seconded by Councillor Steady and:-

RESOLVED that the contents of the Combined Auditor's Annual Report for the years ended 31 March 2020, 31 March 2021 and 31 March 2022, including the value for money commentary set out on Pages 7 to 17 of that report, be noted.

The meeting was declared closed at 11.20 am

Chairman

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Resources and Services Overview and
Scrutiny Committee

17 December 2024

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 17TH DECEMBER, 2024 AT 7.30 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors P Honeywood (Chairman), M Cossens (Vice-Chairman), Bensilum, Doyle, Goldman, Harris, S Honeywood, Newton and Steady
Also Present:	Councillors Smith (Portfolio Holder for the Environment)(except items 66 & 67) and M Stephenson (Leader of the Council & Portfolio Holder for Finance & Governance)(except items 65 – 67)
In Attendance:	Ian Davidson (Chief Executive)(except items 65 - 67), Damian Williams (Corporate Director (Operations and Delivery))(except items 66 & 67), Lisa Hastings (Director (Governance) & Monitoring Officer), Richard Barrett (Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment))(except items 66 & 67), Ian Ford (Committee Services Manager) and Bethany Jones (Committee Services Officer)

60. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted nor substitutions made on this occasion.

61. MINUTES OF THE LAST MEETING

It was moved by Councillor Newton, seconded by Councillor S Honeywood and:-

RESOLVED that the Minutes of the last meeting of the Committee held on 23 September 2024 be confirmed as a correct record and be signed by the Chairman.

62. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

63. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted for this meeting.

64. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 - PORTFOLIO HOLDER PROJECTS - PERFORMANCE AND PROJECT MANAGEMENT

The Committee considered a report of the Head of Democratic Services & Elections (A.2) which enabled it to consider the outcome of its decision from its meeting on 23 September 2024 (Minute 57 referred) which had been considered by Cabinet on 15 November 2024 (Minute 75 referred). The Committee had recommended, in the light of the unauthorised expenditure found in relation to the Spendells temporary

accommodation project that Portfolio Holders reviewed performance and project management of all their existing projects. This review, the Committee had requested, should be completed in time for the findings to be reported to this meeting together with any additional actions determined by the Leader. The Leader of the Council attended this meeting to discuss the outcome of the Portfolio Holder reviews of their projects.

The Chief Executive (Ian Davidson) referred to the announcement by HM Government of its White Paper on Devolution and Local Government re-organisation (LGR). He outlined the context in relation to the timescales for completing the projects and other constraining effects on the Council's key projects that would need to be kept under close review moving forward. Responding and reacting to the White Paper would have a significant effect on this Council's capacity and resources. It would also challenge this Council to maintain its current good performance in terms of Value for Money judgements (which had been recognised by the Council's External Auditor). Mr. Davidson then responded to Members' questions as follows:-

<u>Committee Members' Questions</u> (Summary)	<u>Responses (Chief Executive, unless otherwise stated)</u> (Summary)
Will there be a clause in the new Waste Management Contract that will protect TDC in the event that it disappears under LGR?	There are a myriad of contracts that will need to be gone through. Harmonisation of contracts with other local authorities would take place over time. If TDC was to cease to be then the burden of such contracts would fall on the successor Authority. These are all matters that need to be closely considered alongside other matters such as TDC's close working relationships with the District's Parish and Town Councils.
As LGR progresses will there be a grading system introduced for projects that are underway or are still in the planning stage?	Excellent question. This is just the sort of thing that Officers will need to examine and then facilitate the Cabinet in making its decisions. For some projects, TDC is already contractually obliged having accepted the relevant external funding. The Council's Monitoring Officer and the Section 151 Officer will both play a key role in that process. [Director (Governance)] – These are daunting times for local government as it is facing its largest re-organisation since the passing of the Local Government Act 1972. This is also happening alongside large-scale changes to the national planning, housing and procurement statutory frameworks. Already, cautionary

	<p>messages are being issued to Councils about looking at, in the New Year, transformation projects whether planned or already underway.</p>
<p>Should this overview and scrutiny committee be concentrating on the process in terms of LGR and its effect on TDC's projects?</p>	<p>It would be valid for this Committee to look at the process for choosing which projects are continued or are ceased. A report will be submitted to Full Council in January 2025 that will place all the available information before Members in order to allow them to debate this matter.</p> <p>[Director (Governance)] – Officers will, of course, keep Members up-to-date as matters progress. It is expected that tools will be provided in due course for Members by bodies such as the Centre for Governance and Scrutiny. Eventually an Order will be made in Parliament that will set out all those functions (including contractual matters) that will be put over to the new Authority.</p>
<p>Has TDC been involved in any Best Value related collaborations with neighbouring Authorities on these large projects/contracts e.g. Waste Management?</p>	<p>Yes, most certainly e.g. with Colchester CC and Essex CC on the TCB Garden Community. Another example would be regarding collection methods and mechanisms for purchasing collection vehicles for the new waste collection contract.</p> <p>[Leader of the Council] – Other examples would include the Health & Well-being Alliance, procurement, Emergency Planning, new HR systems and the NEC audit.</p>

The Leader of the Council (Councillor M Stephenson) then addressed the Committee and stated that the Leader/Portfolio Holders' review of projects had focused on three key aspects i.e. capacity, governance and finance. He was broadly comfortable that Portfolio Holders were on top of their respective projects. Councillor Stephenson commended the Committee for their recommendation as this had proved to be a very useful exercise for both Officers and Portfolio Holders. He intended to pull together a comprehensive list of all of TDC's current projects which he would submit to a future meeting of the Committee.

The Leader of the Council then responded to Members' questions as set out hereunder. The Chairman (Councillor P Honeywood) acknowledged that the Leader had not had sight of the questions before the meeting

<u>Committee Members' Question</u> (Summary)	<u>Responses (Leader of the Council, unless otherwise stated)</u> (Summary)
Have all the cameras been granted planning permission?	No. A number of planning applications had been submitted and any that were still outstanding would be submitted shortly. These planning applications would be required to be considered by the Planning Committee.
Regarding the CCTV project, what has happened and what is the progress?	Outlined the timeline to the Committee and undertook to circulate the timeline to Members after the meeting.
How did the CCTV project get so far behind schedule?	There were problems with specifications and the tender process.
Is everything going to be completed for the CCTV project by March 2025?	The aim was to have everything completed by 10 April 2025.
Since the Safer Street Funding briefing note has been circulated, what has happened since then?	Will provide a written answer circulated to all members of the Committee.
Is the Council adhering to the terms of the funding agreement?	Yes, but will confirm that in writing.
What is the financial risk to the Council?	Not aware of any risk. Money is passported and there has been an extension of time granted.
<p>Regarding the site at Weeley, what is the end date for the project? What has happened since 2023 when the heads of terms were signed? How long were the heads of terms agreed for? What happens if there is no completion of the development? Are the housing prices right for the development? Is the deal still good for the Council? What is the procedure for property acquisitions or disposals in relation to tender? What was the process that was undertaken?</p>	<p>This is a sensitive issue best answered by the Corporate Director. There are things going on in the background but they are of a sensitive nature.</p> <p>[Corporate Director (Operations & Delivery)] – It's undeniable that this matter has not proceeded as quickly as TDC would have liked. Officers have been pushing hard but, as yet, have not reached an agreement with the Developer. Is aware of the ongoing cost liabilities to the Council of this site. Will start to look at alternative options for the disposal of this site in an effort to speed up a resolution. Frustrating for all concerned. Any alternative to the current negotiating process will require a further report to Cabinet and a new decision. The negotiations have been lengthy, detailed and problematic (e.g. ransom strips).</p> <p>[Chief Executive] – To an extent, TDC is in the hands of Developers and their willingness to release sites into the housing market. Obviously, this would</p>

	<p>be done on a 'drip feed' process in order to avoid a sudden 'glut' and a depression of house prices.</p> <p>[Councillor M Cossens] – The site at Weeley will be a key focus of the work of the Asset Management Arrangements Task & Finish Working Group.</p>
<p>Further to the responses just provided, this needs close examination to learn lessons for the future. Is going out to a re-tender one of the alternative options?</p>	<p>[Corporate Director (Operations & Delivery)] – Yes, that is one of the options.</p> <p>[Chief Executive] – There is a requirement for seven dwellings to come into TDC's housing stock. This has been a complicating factor and has meant that it has not been a straight-forward land sale.</p>
<p>What projects do you have underway? What was the review process taken?</p>	<p>Review of projects had focused on three key aspects i.e. capacity, governance and finance. He was broadly comfortable that Portfolio Holders were on top of their respective projects. He intended to pull together a comprehensive list of all of TDC's current projects which he would submit to a future meeting of the Committee. List being refined all the time. Had been a very useful exercise for both Officers and Cabinet Members to bring this list of all the projects into one place.</p>
<p>Further to the responses just provided, will this factor into the Administration's priorities going forward and will this Committee have a say in producing that list?</p>	<p>Yes, they will. The draft initial priorities list for consultation purposes will be submitted to Cabinet on Friday. No though yet has been given to producing milestones for these priorities.</p>
<p>What is the progress with Clacton Town Board?</p>	<p>Previous Conservative Government earmarked £20million over a ten-year period. The matter was paused whilst the General Election was held and whilst the new Labour Government considered and confirmed its regeneration priorities. Therefore, the CTB has been effectively in limbo as a result but it has remained determined to take advantage of any opportunities that comes its way and it has been able to proceed with smaller initiatives like empty shop wrapping in Clacton Town Centre and the development of a</p>

	website.
How many times has the local MP been to the meetings of the Clacton Town Board?	Will provide a written answer circulated to all members of the Committee.
If LGR goes ahead, will that make the CTB more important as a way of ensuring input into decision making at the local level?	Yes, it will. The CTB is very determined to take ownership of Clacton's future.
What are the milestones for the savings plans?	[Director (Finance & IT)] - A report will be submitted to Cabinet on Friday that details when savings will come into the Budget in 2025/26 and 2026/27.
Are you behind or ahead with the savings plan?	[Director (Finance & IT)] - Not behind and ahead in some ways but it will require concrete work, actions and decisions made going forward. Worry is about the unexpected/unforeseen (e.g. Covid-19) occurrences that could knock TDC off-course. Overall, TDC is currently in a good position. [Chief Executive] – TDC is not in danger of having to issue a Section 114 Notice unlike many other Councils. The External Auditor is content with TDC's approach of a rolling ten-year financial forecast. This 'smooths out' the process and avoids annual wholesale 'panic' cuts of services.
What is the current position with the old Savoy nightclub in Clacton Town?	[Chief Executive] – This is a commercially sensitive matter at this time but forms part of TDC's overall partnership project with the Arts Council. Willing to give more detail in writing to Members.

It was moved by Councillor P Honeywood, seconded by Councillor Doyle and:-

RESOLVED that the Committee, having discussed the review of performance and project management undertaken by Portfolio Holders with the Leader of the Council:-

- (a) looks forward to receiving the further written answers in due course from the Leader of the Council and would welcome any further expanded responses to those already provided at the meeting; and
- (b) reserves the right to submit any comments or recommendations to Cabinet on this matter once it has considered the Executive's budget proposals and initial highlight priorities at its meeting due to be held on 13 January 2024.

65. REPORT OF THE PORTFOLIO HOLDER FOR THE ENVIRONMENT - A.3 - UPDATE ON THE WASTE AND RECYCLING SERVICE PROCUREMENT

The Committee considered a report of the Portfolio Holder for the Environment which updated it on the current position on the waste and recycling and street cleaning service procurement.

It was noted that as the procurement process was now under way there was a limit to how much information about the process and the bidders involved that could be shared with the Committee.

Members were reminded that, at its meeting held on 26 July 2024, Cabinet had considered a report of the Environment Portfolio Holder (A.6), which had:-

- provide it with an update on progress with future options for kerbside waste and recycling collection and street sweeping beyond the expiry in 2026 of the current contractual arrangements;
- sought Cabinet's approval to go out to tender in order to find a suitable service provider;
- sought the adoption of the Core Specification Principles; and
- sought to delegate a number of decisions to Portfolio Holders and Officers to ensure a smooth progression of this work.

Cabinet had resolved "*RESOLVED that Cabinet –*

1. *notes the work undertaken by the Waste Contract Project Board to date and the contributions from the Member Working Group;*
2. *notes the content and recommendations made in the Options Appraisal and Outline Business Case produced in partnership with EELGA;*
3. *endorses the proposal set out within the Options Appraisal and Outline Business Case to re-tender both the waste and recycling collection and street sweeping services as a single contract in order that a contractor is in place to deliver services at the time of the expiry of the current contracts on 31st December 2025 and 31st January 2026;*
4. *notes the outcome of the market engagement exercise;*
5. *agrees to the route to procurement being Competitive Dialogue;*
6. *agrees to formally adopt the Contract Principles, endorsed by the Waste Contract Project Board and against which the new service will be set, along with the Core Specification Principles set out in Table 4 within the Portfolio Holder's report (A.6);*
7. *agrees to offer a lease of the Fowler Road depot in Clacton on the existing terms as part of any future contractual arrangement, accepting that the depot is likely to require reconfiguring / modernisation during the contract period. Therefore, Cabinet also agrees to initiate the Property Dealing Procedure allowing Officers to explore options and alternative / additional land purchase or lease opportunities;*
8. *agrees a delegation to the Portfolio Holder for Assets to determine the Social Value Themes, Outcomes and Measures (TOMs) against which the social value aspects of the tender submissions will be considered;*
9. *agrees a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets to approve:-*
 - a. *the high level service specification provided that they consult with the Waste Contract Project Board and the Member Working Group beforehand;*
 - b. *the aspects of the tender about which there will be dialogue held with bidders;**and*

c. the tender evaluation criteria to be used;

10. *agrees a delegation to the Corporate Director (Operations & Delivery) to approve:*

a. the detail of the service specification providing that they have consulted with the Portfolio Holder for the Environment; and also

b. the membership of the tender evaluation panel; and

11. *authorises a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets, in consultation with the Corporate Director (Operations & Delivery), the Section 151 Officer and the Monitoring Officer to agree any short term extension to the current contractual arrangements, where permissible to do so and solely for the purpose of assisting with the mobilisation of the new contracts.*

The Committee was made aware that, since that 26 July 2024 Cabinet decision, the relevant portfolio holder decisions had been taken and the procurement exercise had been formally launched on 16 October 2024.

The first stage of the procurement exercise had been completed and bidders had now been invited to submit detailed solutions that were due to be submitted in mid-January 2025. Those submissions would then be scored and evaluated before bidders were invited to participate in a round of dialogue discussions aimed at increasing understanding of both the Council's requirements and bidder's proposals.

Following the dialogue sessions the bidders would be invited to submit their final solutions with the aim that a formal decision on the award of contract could be made in June 2025.

The Portfolio Holder for the Environment (Councillor Smith) then responded to Members' questions as set out hereunder. The Chairman (Councillor P Honeywood) acknowledged that the Portfolio Holder had not had sight of the questions before the meeting. The Chairman also requested that a copy of the Portfolio Holder's opening remarks be circulated to the members of the Committee after the meeting.

<u>Committee Members' Questions</u> (Summary)	<u>Responses (by the Environment Portfolio Holder, unless otherwise stated)</u> (Summary)
Has the Waste and Recycling service kept to the timelines?	In the main, yes. Still on course for the final decision to be made by Cabinet at its meeting in June 2025.
What happens if the timeline slips?	Following the Extended Competitive Dialogue (ECD) process has provided TDC with flexibility.
What happens if the budget goes over?	A written answer will be provided to all members of the Committee following the meeting. [Director (Governance)] – The report submitted to Cabinet in July 2024 set

	out the financial position.
What happens if the lowest bid is over the budget?	[Assistant Director (Housing and Environment)] – The ECD process will show up at an earlier stage the likely contract price. If it is too high then it could be negotiated downwards or items could be removed from the contract to reduce the price.
How much is the current cost of using consultants? What is the risk factor of proceeding without knowing the outcome of LGR?	Consultant cost is currently £128,000+ [Corporate Director (Operations & Delivery)] – TDC has no choice but to proceed with a new contract as the current contract is due to expire. If TDC ceases to exist then the new successor Authority will take over responsibility for the contract.
Will this contract be robust enough to compensate for the significant amount of additional housing that will be required to be built within the District?	[Assistant Director (Housing and Environment)] – There are in-built escalator clauses within the contract.
If the budget is over, what happens to the savings plan?	A written answer will be provided to all members of the Committee following the meeting.

It was moved by Councillor P Honeywood, seconded by Councillor Newton and:-

RESOLVED that the Committee:-

- (a) looks forward to receiving the further written answers in due course from the Environment Portfolio Holder and would welcome any further expanded responses to those already provided at the meeting; and
- (b) reserves the right to submit any comments or recommendations to Cabinet on this matter once it has considered the Executive's budget proposals and initial highlight priorities at its meeting due to be held on 13 January 2024.

66. REPORT OF THE DIRECTOR (FINANCE & IT) - A.4 - EXTERNAL AUDITOR'S COMBINED ANNUAL REPORT INCLUDING THEIR VALUE FOR MONEY COMMENTARY ON THE COUNCIL'S USE OF RESOURCES

Further to the request made by the Committee at its previous meeting, the Committee had before it a report of the Director (Finance & IT) (A.4) which presented the External Auditor's Combined Annual Report for the years ended 31 March 2021, 31 March 2022 and 31 March 2023.

A report from the Council's External Auditor (EA) was attached which set out the most up to date and independent value for money commentary on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources. The EA's report had been formally considered by the Council's Audit Committee on 9

December 2024 and set out a detailed commentary on a range of value for money issues along with providing a summary of the key issues arising from the work of the External Auditor for the years ended 31 March 2021, 31 March 2022 and 31 March 2023. In terms of this latter point (pages 5 and 6 of the EA report), this referred to the work the Auditors had undertaken as part of their statutory financial statements work, which had been considered by the Audit Committee as part of the activities associated with the publication of the Council's Statement of Accounts for 2020/21, 2021/22 and 2022/23.

In terms of the value for money element of the work undertaken by the Council's External Auditor, the Code of Audit Practice required auditors to carry out a full scope audit of Value for Money (VFM) arrangements for 2023/24 onwards. However, as set out within the EA's Combined Annual Report, a reduced scope had been carried out to date as permitted for preceding years. From 2024/25 onwards, auditors would be required to issue their annual auditor's report containing the VFM commentary each year by 30 November. This had been designed to ensure that, even where the financial audit opinion was disclaimed, the audit still provided useful information to audit committees and other stakeholders about the financial management and financial sustainability of local bodies.

The EA's detailed value for money commentary was set out on pages 7 to 17 of the EA's report and it highlighted a number of important areas of the Council's work and demonstrated a strong and continually improving picture across the various value for money themes.

This was a very welcome position which hopefully provided Members with assurances, especially around the two key themes of financial sustainability and governance, given no such independent commentary had been provided in recent years due to the external audit delays.

Although highlighted on page 17 of the attached report, it was worth highlighting the following statement by the External Auditor:-

"Our VFM work for 2020/21 to 2022/23 has not identified any significant weaknesses in the Authority's arrangements. However, we have identified opportunities for the Authority to improve their arrangements and have made a recommendation accordingly."

In respect of the recommendation referred to in the above statement, this was also set out on page 17 of the EA's report along with confirmation that the associated matter had been addressed in 2023.

<u>Committee Members' Questions</u> (Summary)	<u>Responses by the Director (Finance and IT) & Section 151 Officer</u> (Summary)
Does this impact the Council's financial forecast at all?	Not directly. The External Auditor has not made any adverse comments / recommendations regarding the Financial Forecast so TDC is free to proceed. This gives TDC valuable time

	backed up the Forecast Risk Fund. It also enables TDC to avoid an annual scramble to balance the books and precludes 'panic' cuts to services.
When is the KMPG audit report going to be published?	It is due to be submitted to the meeting of the Audit Committee currently arranged for 30 January 2025.

It was moved by Councillor P Honeywood, seconded by Councillor S Honeywood and:-

RESOLVED that the contents of the report be noted.

67. REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 - WORK PROGRAMME 2024/25 - INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING DECISIONS

The Committee considered a report of the Head of Democratic Services & Elections (A.1) which provided it with an update on its approved Work Programme for 2024/25 (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 had been given since publication of the agenda for the Committee's last meeting.

The report also provided Members with an opportunity for updates on the work of the Committee's Task and Finish Groups; to consider the Committee's approach to budget scrutiny at its January 2025 meeting; and to note that arrangements would be made with the Chairmen of both this Committee and of the Audit Committee to receive the findings in relation to the investigation into the Council's development of Spendells House, Naze Park Road, Walton-on-the-Naze.

The Committee received an oral update on the work of the Asset Management Arrangements Task and Finish Group established by the Committee from its Chairman (Councillor M Cossens). That Group was carrying out two enquiry strands i.e. it was looking at both the Council's physical assets and its IT assets. It had discussed the scoping of those two strands and would shortly begin delving into its detailed enquiry.

It was moved by Councillor P Honeywood, seconded by Councillor M Cossens and:-

RESOLVED that the Committee -

- (a) notes the progress with enquiries set out in its Work Programme 2024/25, plus any feedback to the Committee on the decisions in respect of previous recommendations and the list of forthcoming decisions;
- (b) notes the oral update on the work of the Asset Management Arrangements Task and Finish Groups established by the Committee as given by its Chairman (Councillor M Cossens);
- (c) agrees that its approach to budget scrutiny to be undertaken at its meetings on Monday, 6 January (informal) and Monday, 13 January 2025 in respect of the draft

General Fund and draft Housing Revenue Account budgets for 2025/26 and beyond will be as follows:-

- (1) at its informal meeting on 6 January, the Committee will receive a presentation from the Director (Finance and IT) on the latest budget position and will then look to decide which Portfolio Holders will be required to appear before the Committee on 13 January;
 - (2) on 13 January, the Committee will consider the highlights and general overview of the budget but will particularly focus on how costs are built from the ground upwards with an eye to the implications of LGR;
 - (3) that the meetings on 6 January and 13 January will both commence at 7.00 p.m.; and
 - (4) that the members of the Cabinet be requested to hold the evening of Monday 13 January 2025 in their diaries in case they are required to appear before the Committee.
- (d) notes that arrangements will be made with the Chairmen of this Committee and of the Audit Committee to receive the findings in relation to the investigation into the Council's development of Spendells House, Naze Park Road, Walton-on-the-Naze.

The meeting was declared closed at 9.24 pm

Chairman

MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – SUBMITTED BY COUNCILLOR TERRY BARRETT IN RELATION TO ‘GIVING PETS AS PRIZES’ AND TENDRING DISTRICT COUNCIL’S ANIMAL WELFARE CHARTER

“(a) That Tendring District Council notes that:-

- (1) ownership of any animal is a big responsibility and one that should be planned and well thought out, as animals often do not have their welfare needs met prior to, during and after being given as a ‘prize’;
- (2) between 2015 and 2020, there were 120 cases reported to the RSPCA of live animals being given as prizes in England and that whilst the numbers decreased during the Covid-19 lockdowns, the RSPCA still regularly receive calls about pets being given away as prizes;
- (3) in 2024, 91% of UK adults were shocked to discover that this still happens and 79% agreed that local councils should step in to stop this;
- (4) under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under the age of 16, except within the family context but that the RSPCA believes that this does not go far enough, and would like to see legislation introduced similar to that within the Animal Health and Welfare (Scotland) Act 2006, which states that: **it is an offence to give an animal as a prize, regardless of age, except within the family context;**
- (5) local authorities can ban the giving of live animals as prizes on Council owned land, thereby ensuring the welfare of these animals is not compromised, as well as raising public awareness of the issue and leading the way on ending this outdated practice;
- (6) all 22 local authorities in Wales and over 70 Councils in England have now restricted this activity on land that they control; and
- (7) the RSPCA believe that many cases of pets being given as prizes go unreported each year.

(b) That Tendring District Council therefore resolves:-

- (1) to re-affirm the commitment that currently exists in the Council's Animal Welfare Charter to ban outright the giving of live animals as prizes, in any form, on land owned by Tendring District Council;
- (2) that the Leader of the Council writes to Steve Reed MP, Minister for the Environment, Food and Rural Affairs urging the Government to introduce an outright ban on the giving of live animals as prizes on both public and private land by way of an amendment to the Animal Welfare Act 2006;
- (3) that the Portfolio Holder for the Environment and ICT be requested to undertake a review of this Council's current Animal Welfare Charter to ensure that it is an up-to-date policy document; and
- (4) that this Council communicates to its residents this Council's continued commitment to Animal Welfare issues across the District by highlighting its intention to lobby the Government to ban the giving of live animals as prizes in any form."

COUNCIL

21 JANUARY 2025

REPORT OF THE CHIEF EXECUTIVE

A.1 THE GOVERNMENT'S ENGLISH DEVOLUTION WHITE PAPER AND LETTER TO LEADERS OF ALL TWO-TIER COUNCILS REFERENCING POSSIBLE POSTPONEMENT OF 2025 ELECTIONS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report sets out for Council a summary of the Government's English Devolution White Paper published on 16 December 2024 in respect of its proposals in this policy area and the Government's intentions for local government re-organisation; including the relevant timelines for these two separate but parallel strands of Government policy. Associated with this is the potential deferral of elections scheduled for May 2025 to May 2026 (initially).

EXECUTIVE SUMMARY

The Government's "English Devolution" White Paper was published on 16 December 2024. Devolution concerns taking Whitehall powers and devolving these to more local institutions. The Government styles these local institutions as 'Strategic Authorities'. The White Paper sets out the Government's aim of universal coverage in England of Strategic Authorities – which should be a number of councils working together, covering areas that people recognise and work in. The current Combined Authorities, in places like Tees Valley and Cambridgeshire & Peterborough, would become Strategic Authorities (as referred to below). The levels of Strategic Authority are stated by Government as being:

- **“Foundation Strategic Authorities:**

These include non-mayoral Combined Authorities and Combined County Authorities automatically, and any Local Authority designated as a Strategic Authority without a Mayor.”

- **Mayoral Strategic Authorities:**

The Greater London Authority, all Mayoral Combined Authorities and all Mayoral Combined County Authorities will automatically begin as Mayoral Strategic Authorities.

- **Established Mayoral Strategic Authorities:**

Those Mayoral Authorities who meet specified eligibility criteria may be designated as Established Mayoral Strategic Authorities. This unlocks further devolution, most notably an Integrated Settlement (which the Government states will mean Mayors will not be bound by strict Westminster rules over how to spend money locally). Integrated Settlements are to have a single systematised approach to spending controls and a single, streamlined, overarching assurance and accountability framework.”

The default position for Government is that Strategic Authorities should cover areas with a population of 1.5 million or above. The combined population of Essex, Thurrock and Southend-on-Sea is currently about 1.8million. The powers of Strategic Authorities are set out in Appendix A ('Devolution Framework Summary Table') to this report.

Mayoral Combined and Combined County Authorities can currently use a Mayoral Council Tax Precept. However, they cannot use this on their full range of functions. Government has said that it will legislate to correct this, raising the value for money of this existing power.

To take forward the intentions in the White Paper, the Government intends to introduce an English Devolution Bill. Ahead of that, it proposes to agree areas that it will determine are ready to move quickly through to the establishment of a new Strategic Authority. Those identified will join a new Devolution Priority Programme. Essex County Council, Thurrock and Southend-on-Sea Unitary Councils have submitted a joint proposal to join that Programme. This would, it is proposed, see a new Strategic Authority established in April 2026 for 'Greater Essex' with an election of a directly elected Mayor for the area in May 2026. Links to the reports considered by those Councils are set out in the Background Papers section of this report below.

The White Paper does not solely address devolution matters; it also references local government reorganisation. The Government expects all two-tier areas and smaller or failing unitaries to develop proposals for reorganisation. Those existing Councils are to be replaced with new unitary councils (which the Government says should have 'as a benchmark' a population of 500,000 or more). Further to this, the report references a letter of the same date (16 December) from the Minister of State for Local Government and English Devolution to Leaders of Councils in two-tier areas (and adjoining unitary councils). This letter included proposals to postpone elections scheduled for May 2025 to May 2026 (initially) where one or other of the following scenarios exist:

- Areas who are minded-to join the Devolution Priority Programme, where they will be invited to submit reorganisation proposals to Government by Autumn 2025.
- Areas who need reorganisation to unlock devolution, where they will be invited to submit reorganisation proposals to Government by May 2025.

Locally, in the week 6-10 January 2025, Essex County, Thurrock and Southend-on-Sea City Councils met separately as 'Upper Tier' Authorities to consider the separate but related matters of (1) devolution, (2) local government reorganisation and (3) whether to request deferral of elections to their respective Councils from May 2025 to May 2026 (initially). Following those meetings, the County Council, alongside Southend-on-Sea City Council and Thurrock Council, are writing to the Minister to request participation in the Devolution Priority Programme (devolution and local government reorganisation), and to request the postponement of elections scheduled for May this year in the County Council and Thurrock Council areas. There are no scheduled elections to Southend-on-Sea Council for May 2025.

We will now await to hear whether Greater Essex has been accepted as part of the Priority Programme.

RECOMMENDATION(S)

It is recommended that Council:

- i) acknowledges work will continue to ensure that the District of Tendring is in the best possible position should devolution and/or local government reorganisation go ahead;**

- ii) mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and north Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges;
- iii) recognises that Members and Officers will continue to deliver this Council's best value and other statutory duties for the benefit of its residents, businesses and communities every day that it exists; and
- iv) welcomes the intention to provide periodically, briefings to Members (and reports to this Council as necessary) as the agenda around devolution and local government reorganisation develops locally.

REASON(S) FOR THE RECOMMENDATION(S)

The Government's policy position for (1) devolution and (2) local government reorganisation has significant implications for this Council, the residents and businesses of the District and local Town and Parish Councils and those in unparished areas. Consequently, it is appropriate to enable all District Councillors to have this opportunity to consider the policy positions and intentions for the District and provide the Leader of the Council and Chief Executive with the appropriate mandate

ALTERNATIVE OPTIONS CONSIDERED

The option of not submitting this report was considered and discounted given the significant impact described of the Government's intentions around (1) devolution and (2) local government reorganisation and to ensure that the Chief Executive and Leader of the Council have been provided with a mandate on which they can enter discussions with other Council during the next coming months.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This Council's Corporate Plan sets out its ambitions for the District of Tendring and the Council's services in the period 2024-28. The Council will continue to focus on delivering the Corporate Plan for that full term or until any new Unitary Council were to replace it.

At the heart of the Corporate Plan is the vitally important role of Community Leadership. Harnessing the power of partner organisations to address the socio-economic challenges of the District and recognise the demographics of the population locally. Maintaining this community leadership role, continuing to deliver for the communities we serve and ensuring any successor Council is equally committed to these must be our shared endeavour in this coming period.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The devolution and local government reorganisation proposals in the White Paper would

require extensive public consultation in due course. There was no opportunity for public engagement between the late December 2024 publication of the White Paper and the 10th January 2025 deadline for applications to Government to join a fast track Devolution Priority Programme or whether to delay the May 2025 County Council elections.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/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)	

If the decisions around (1) devolution and (2) local government reorganisation were matters for this Council they would definitely be Key Decisions. It is because the decision around devolution is one for Essex County Council (and the Unitary Councils for Thurrock and Southend-on-Sea) and central Government that this is not a Key Decision for this Council. Detailed proposals for Local Government Re-organisation affecting Tendring District Council would be a Key Decision at the appropriate time for making such a decision.

Devolution:

Combined county authorities are incorporated under the Levelling-up and Regeneration Act 2023. They bring together a county council for a two-tier area and neighbouring unitary or county councils. They are similar to the original combined authority.

The decision to proceed with devolution for Great Essex required the production of proposals which must be approved by Cabinets at the County Council, Thurrock and Southend). These must be the subject of consultation – consultation may be undertaken by the local authorities or by central government. The combined authority is then established by a statutory instrument.

If reorganisation goes ahead, the combined county authority would need to be converted into a combined authority incorporated under the Local Democracy Economic Development and Regeneration Act 2009. It is clear that the English Devolution Bill will significantly impact on the law relating to devolution. The draft bill has not yet been published. The requirement to approve proposals means that Essex County Council, Southend and Thurrock, have direct control over devolution, although this may be changed by the Bill.

Local Government Reorganisation:

Local government reorganisation is governed by the Local Government and Public Involvement in Health Act 2007. The Secretary of State can at any time invite proposals for unitary local government from local authorities, and also has the power to direct authorities to

submit proposals. The criteria against which proposals are to be judged can be set out in the invitation/direction. The law says that local authority boundaries may not cross police force boundaries but can otherwise be whatever best meets the criteria.

Although Government encourages local authorities to work together there is nothing to stop competing proposals being submitted and in that case the Secretary of State can select one proposal for consultation or may consult on competing proposals before making a decision as to which is to be taken forward.

It should be noted that local government reorganisation is currently controlled by central government who can reorganise local authorities against the wishes of local authorities in an area. In Essex it is unlikely that any of the 15 councils would continue to exist and the new councils would be created in 'shadow form' the year before implementation. The shadow authorities have power to recruit staff and plan for implementation but do not have any local government powers until they 'go live'. Shadow authorities would be governed by councillors elected the year before. Those councillors would become councillors of the live authorities.

Property belonging to the 15 councils will be split between the new councils by agreement or by the Secretary of State if agreement cannot be reached.

<input checked="" type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The White Paper refers throughout to the need to legislate for the policy ambitions as set out, this will involve an English Devolution Bill (being the proposals for a new law, or proposals to change an existing law) being presented for debate before Parliament. A Bill can start in the Commons or the Lords and must be approved in the same form by both Houses before becoming an Act (law). The timeline for the legislation process is currently unknown.

Whilst these proposals are going through the necessary steps to become legislation and until local government reorganisation involving Tendring District Council, is confirmed, the Council will remain in place with its statutory duties, discretionary powers and services and capital programmes to deliver. Good governance will be crucial through this period and the Council is expected in the continuation of its adherence to its best value responsibilities and delivering its statutory requirements.

Whilst the decision as to whether or not to defer the County Council elections are not a district council function, Article 2 of the Constitution sets out that key roles of councillors are to represent their communities and bring their views into Council decision making processes and effectively represent the interests of their ward and of individual residents. Decisions will be made by central government and on the face of it there does not appear to be any other opportunities in which views of Tendring residents can be made.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Whilst the White Paper itself does not have direct financial implications on the authority, it does potentially lead to substantial change, including the potential abolition of this Council itself, which would include substantial cost in terms of preparing its smooth merger into a new unitary council.

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

The comment above relating to the substantial costs involved is important to repeat, which would be in terms of budgets, resources and capacity. This would need to be balanced against the need to continue to deliver Council Services on a ‘business as usual basis’ as well as delivering key priorities and projects.

Significant uncertainty would also be introduced in terms of financial planning over the coming years, which would therefore introduce challenges in terms of the Council’s medium term financial plans, including cost pressures, savings and investment.

The above would therefore need to be acknowledged and plans put in place to address the associated risks as part of the agreed way forward.

Subject to the approach agreed, it may be helpful to learn from other local government areas that have recently gone through similar reorganisation processes, which in turn would likely help mitigate risks both financially and non-financially.

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 it can continue to deliver its services;	During this period, the Council will continue to apply its resources to secure the sustainability of its services to the public.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	During this period, the Council will apply its usual robust approach to decision-making and consideration of risks.
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.	During this period, the Council will continue to apply value for money considerations to all decisions it takes.

MILESTONES AND DELIVERY

Following the publication of the white paper just before the Christmas break, the following deadlines are particularly noteworthy:

- 10 January 2025 –
- (a) Deadline for County and Unitary Councils to request Government to join the Devolution Priority Programme referred to elsewhere.
 - (b) Deadline to request Government to postpone May 2025 elections to May 2026 (initially) in order to provide the space and certainty to progress with (1) devolution and (2) local government reorganisation as quickly as possible.

[**Note:** Essex County, Thurrock and Southend-on-Sea Councils submitted their request to join the Devolution Priority Programme and to postpone their elections.]

March 2025 – Interim plans for local government reorganisation to be submitted to

Government. This may require a decision at Tendring District Council to support any proposals.

Autumn 2025 – Full plans for local government reorganisation to be submitted to Government.

1 April 2026 – New Strategic Authority established for Great Essex exercising devolved powers

May 2026 – Elections to the office of Mayor of the Strategic Authority

Tranche 1 elections to shadow new Unitary Councils established through local government re-organisation

1 April 2027 – Tranche 1 of the new Unitary Authorities come into being established through local government re-organisation

May 2027 Tranche 2: elections to shadow new Unitary Councils established through local government re-organisation

1 April 2028 Tranche 2 of the new Unitary Authorities come into being established through local government re-organisation

ASSOCIATED RISKS AND MITIGATION

There are fewer risks associated with (1) devolution than there are with (2) local government reorganisation. Devolving powers from Whitehall to a directly elected Mayor and Strategic Authority for Greater Essex poses opportunities for harnessing those powers and aligning investment based on more local requirements than would otherwise be the case. The Leaders of the County Council and the Unitary Councils of Thurrock and Southend-on-Sea forming the decision-making body for the Strategic Authority (with the directly elected Mayor following their election) could mean there is a bias towards the south of the County initially. Local government re-organisation, with the creation of a small number of Unitary Authorities in place of the existing County, District and Unitary Councils in Greater Essex would likely rebalance the decision making to ensure the needs of the residents and businesses in the north of the County were represented in the Strategic Authority's decision-making. If this occurred in Tranche 1 (see milestones section of this report), it would from April 2027. This is because Unitary Councils across Greater Essex would replace the County and existing Unitaries in that decision-making.

The risks of local government re-organisation revolve around the ability of the new Council to have a recognisable geography that individuals and businesses can relate to and provide it with an identity in which civic pride can flourish. Avoiding a Council that is too large to relate to, while being large enough to take on services such as adult social care and children's services will be a challenge. There is a risk that the disaggregation of the finances from the County Council into a Unitary council covering the current Tendring District could be insufficient to match the significant demands on adult social care and children's services in the area, which will need to be managed during the transition process. There will also be a need to establish new relationships with a range of partners that can place shape for the future. One set of relationships will be with Town and Parish Councils and what arrangements would be appropriate for any unparished areas given the size of the proposed new Unitary Councils. A further risk is to long-term regeneration schemes such as those in Harwich and Clacton-on-

Sea. The ability of a new Unitary to retain the focus currently provided for those schemes by the existing District Council is a risk worth recognising. Related to this is the risk that the necessary attention to the needs of the communities that make up the District of Tendring will be diluted in any new unitary structure spanning several current District Councils. The challenge for Officers and Members in this period will be to continue to address the needs of the District and ensure these are given the focus they require in any new unitary.

A further risk is the potential pace of change; both in the extent to which it creates anxiety and uncertainty and impacts on recruitment and retention (and thereby capacity) to deliver everything that must be delivered by the Council in the coming period. On the basis that any new Unitary Council will still deliver the range of services that are delivered by Tendring District Council it is envisaged that many of the staff working for the Council may be transferred to the new Unitary Council (on the basis that local government reorganisation proceeds). There will be notable exceptions to this position, including senior management positions.

EQUALITY IMPLICATIONS

The Council is subject to the Public Sector Equality Duty, which applies in Great Britain and requires public authorities to have due regard to certain equality considerations when exercising their functions, including making decisions. Any Strategic Authority introduced to exercise devolved powers would have the same requirement on it and, if local government reorganisation results in new Unitary Councils, the duty will apply to those.

SOCIAL VALUE CONSIDERATIONS

The Public Services (Social Value) Act came into force on 31 January 2013. It requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Any Strategic Authority introduced to exercise devolved powers would have the same requirement on it and, if local government reorganisation results in new Unitary Councils, the requirement will apply to those.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

In respect of devolution, the Appendix A identifies that one function of a Strategic Authority would be in respect of collaboration by that Authority with government, including on the Great British Energy's Local Power Plan and Warm Homes Plan. This in turn would influence progress with the Council's own net zero ambition (or the policy of a future successor Unitary Council).

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	One implication of establishing a new Mayoral-led Strategic Authority for the whole of Essex (including Thurrock and Southend-on-Sea) would likely be that Mayor's Office would take on the role of Police, Fire and Crime Commissioner for Essex Police Area.
Health Inequalities	In respect of the devolution element of the White Paper, Appendix A sets out that there would be a bespoke statutory health improvement and health inequalities duty for a Combined Authorities.

Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	Not applicable.
Area or Ward affected	All wards

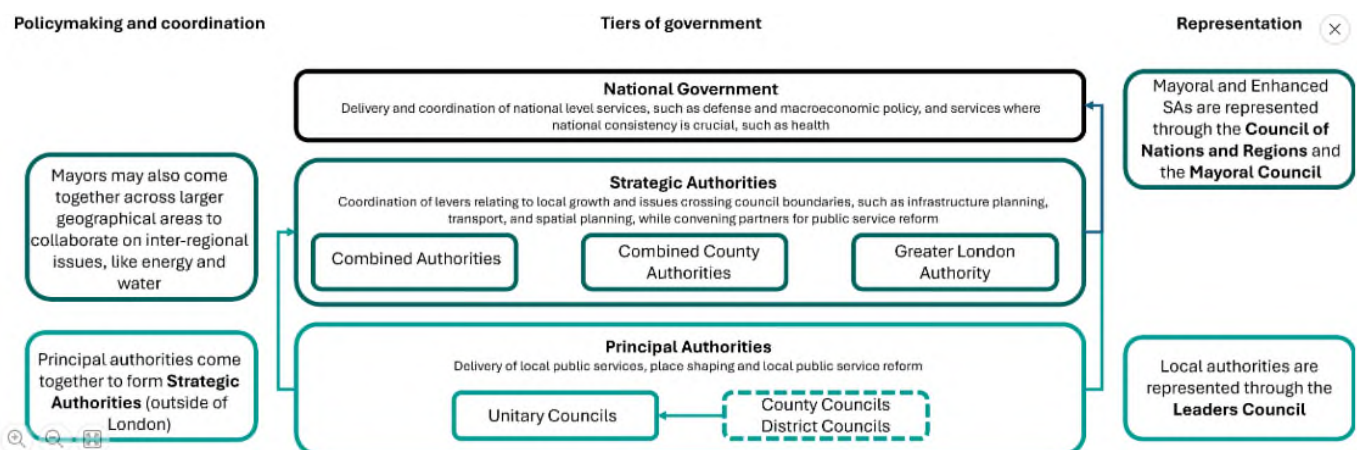
PART 3 – SUPPORTING INFORMATION

BACKGROUND

December 2024 saw the publication by the Government of the White Paper on English Devolution, setting out their detailed ambitions for reform of local government structures across England. The two main elements of the White Paper focused on:

- Devolution Deals – Strategic Authorities and Directly-Elected Mayors
- Local Government Reform – i.e. merging districts, counties and small unitary councils into new, bigger unitaries

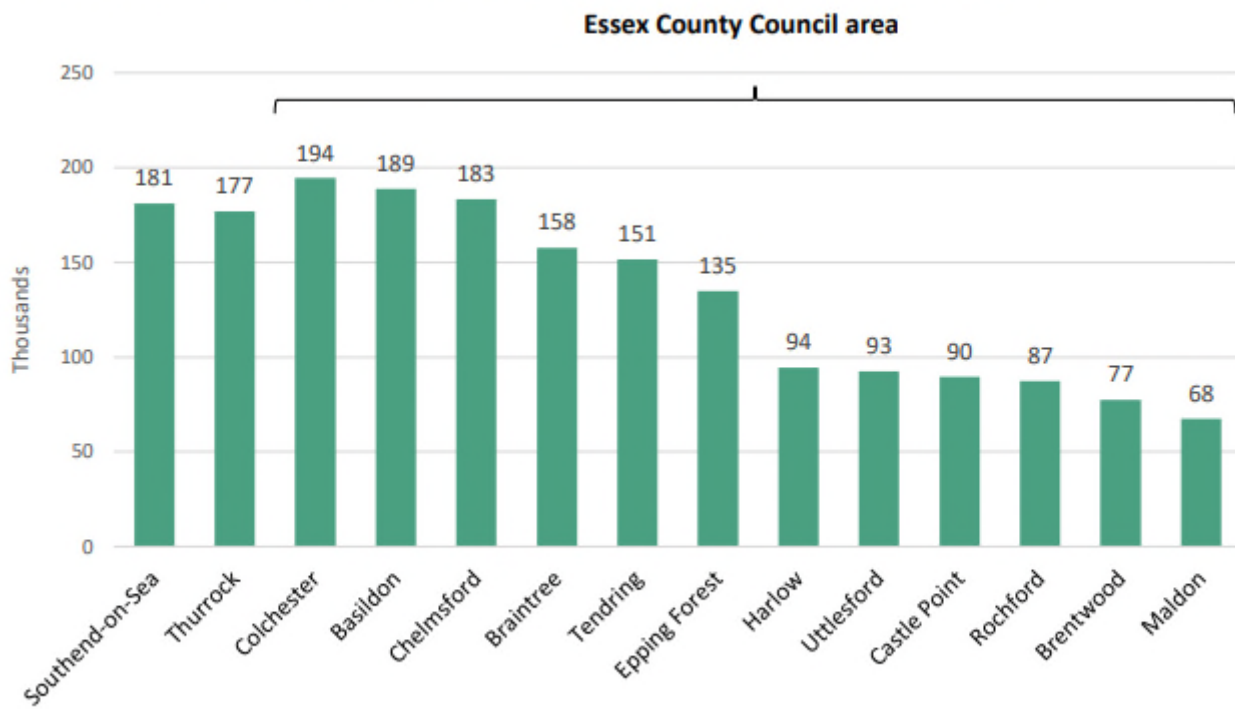
The intended model for policy making & co-ordination, tiers of government and representation going forward, as set out in the White Paper, is as follows:



The model identifies the intention to move from two tier (County and District Councils) to Unitary Councils. It is already the case that less than half of England’s population live in areas without a Combined Authority (taking on devolved powers from Whitehall) or where there are two tiers of principal authorities.

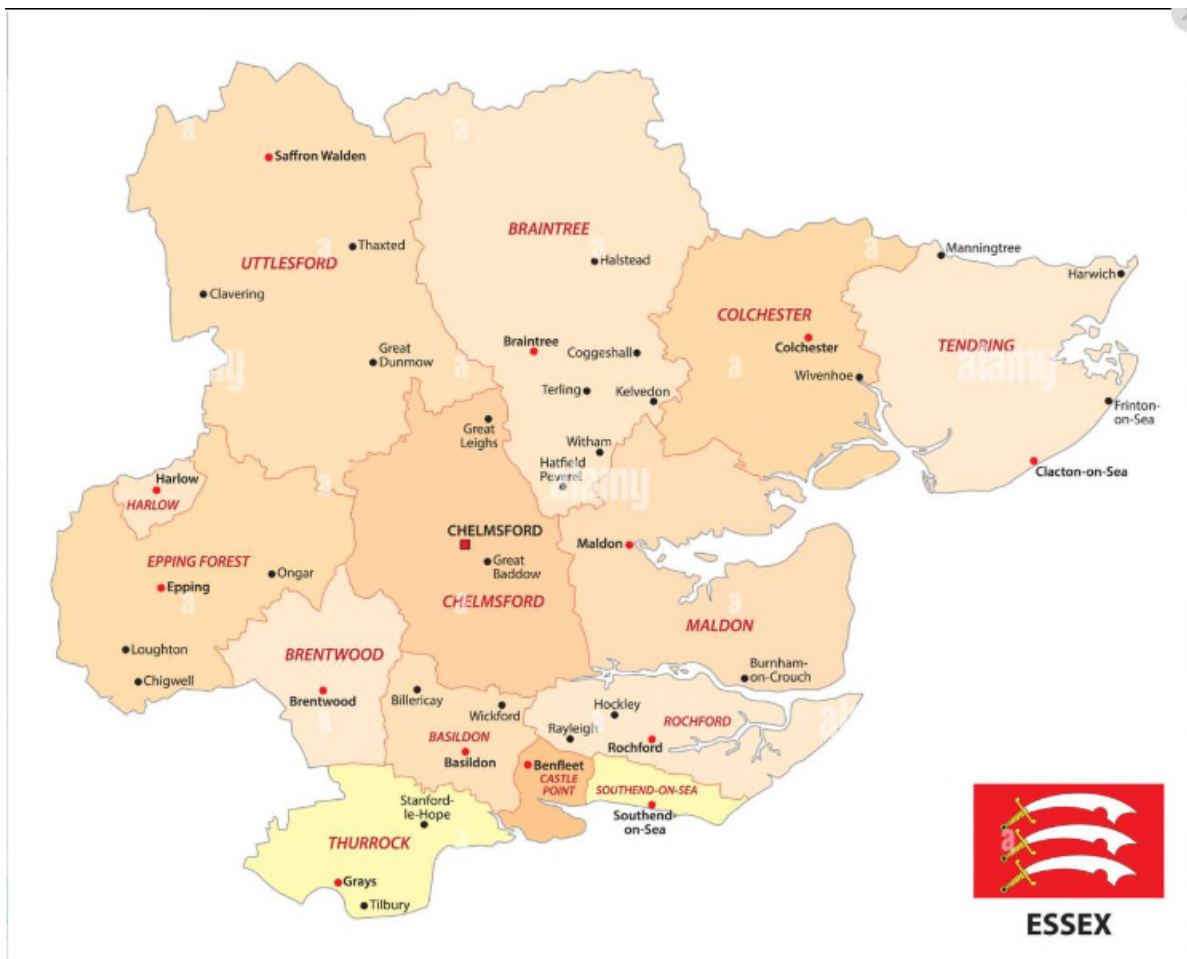
In thinking about local government reorganisation in Greater Essex, the following table provides population estimates from 2022 for Essex District and Unitary Councils. As stated elsewhere, the Government’s stated benchmark for new Unitary Councils is a population of 500,000 or more.

Chart PD2: Composition of Greater Essex population by borough, city and district council area, 2022



Source: Mid-year Population estimates 2022, National Statistics

The area of Essex County, Thurrock and Southend-on-Sea Councils is as follows:



Looking more broadly, it is being reported that the following County Councils are seeking approval to delay their May 2025 elections to 2026 in order to allow them to meet the tight timetable to submit local government re-organisation proposals by the autumn of 2025 and to participate in the Devolution Priority Programme to bring Strategic authorities in for April 2026:

Devon, East Sussex, Essex, Gloucestershire, Hampshire, Kent, Leicestershire, Norfolk, Oxfordshire, Suffolk, Surrey, Warwickshire, West Sussex and Worcestershire.

We need to make sure we are prepared for all eventualities – including that this council may become part of a wider unitary authority at some point from 2028. As a result we are working with partners, including other local authorities, to establish what work we need to do together, to ensure we are in a strong position to serve our Tendring community, particularly due to the specific socio-demographic challenges we face here. This work will take considerable time and effort from officers – which will no doubt be beneficial regardless of the outcome – and as a result may require some re-prioritisation of where we focus time and resource.

The importance of Tendring is magnified due to our particular socio-demographics, and our community leadership role is as significant as ever; these are the principles that we need to take forward when considering and preparing for all possible outcomes from the actions triggered by the White Paper. By implication, the range of matters to be worked on include:

1. Future size of representation;
2. approach to debt;
3. the Council Tax harmonisation position;
4. tax base needed to support Adult social care and Children's services, particularly based on our socio demographics;
5. local challenges – focus not lost due to our coastal issues and wider challenges and opportunities;
6. not lose the key partnerships we have in place such as health, which has seen the Health Index improve and many other strides forward addressing some of the key challenges and opportunities;
7. scale of the work which will need to happen to deliver local government reorganisation – which will divert staff from priorities.

PREVIOUS RELEVANT DECISIONS

Not applicable.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

The 16 December 2024 Government White Paper on English Devolution and letter to leaders of councils in two tier areas of the same date.

The White Paper can be accessed here –

<https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper>

Letter to Leaders of Councils in two tier areas (and neighbouring unitaries)

[Letter to Council Leaders 16 December 2024 from Minister of State for Local Government and English Devolution](#)

The Local Government Association's briefing on the content of the White Paper is available here:

<https://www.local.gov.uk/parliament/briefings-and-responses/devolution-white-paper-day-factual-briefing>

In addition, the following may be of interest in considering this issue:

- [Essex County Council's Extraordinary Meeting on 10 January 2025 - Agenda and report on this matter](#)
- [Thurrock Council's Cabinet Meeting on 7 January 2025 - Agenda and report on this matter](#)
- [Southend-on-Sea Council's Extraordinary Meeting on 9 January 2025 - Agenda and report on this matter](#)

APPENDICES

Appendix A – Devolution Framework Summary Table.

REPORT CONTACT OFFICER(S)

Name	Keith Simmons
Job Title	Head of Democratic Services & Elections
Email/Telephone	ksimmons@tendringdc.gov.uk/ 01255 686580

Devolution Framework summary table

Key

(**) refers to functions for which funding will be included in Integrated Settlements for Established Mayoral Strategic Authorities

(^) refers to functions which apply to Combined and Combined County Authorities only

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
Funding and investment			
Access to a multi-departmental, long-term integrated funding settlement**			X
Long-term investment fund, with an agreed annual allocation		X	X
Removal of gateway review from investment fund, after Gateway One complete			X
Ability to introduce mayoral precepting on council tax^		X	X
Consolidation of local growth and place funding in a single pot**	X	X	X
Strategic leadership			
A statutory duty to produce Local Growth Plans		X	X
Membership of the Council of Nations and Regions		X	X
Membership of the Mayoral Data Council		X	X
Transport and local infrastructure			
Local Transport Authority and public transport functions, including bus franchising and responsibility for an area-wide Local Transport Plan	X	X	X
Simplification and consolidation of local	X	X	X

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
transport funding**			
Removal of certain Secretary of State consents, e.g. on lane rental schemes		X	X
Duty to establish a Key Route Network on the most important local roads^		X	X
Mayoral Power of Direction over use of constituent authority powers on the Key Route Network^		X	X
Priority for strategic rail engagement (including mayoral partnerships) with Great British Railways	X	X	X
Statutory role in governing, managing, planning, and developing the rail network		X	X
An option for greater control over local rail stations		X	X
A 'right to request' further rail devolution			X
Priority for support to deliver multi-modal ticketing			X
A clear, strategic role in the decarbonisation of the local bus fleet	X	X	X
Active Travel England support for constituent authority capability^	X	X	X
Formal partnership with National Highways		X	X
Skills and employment support			
Joint ownership of the Local Skills Improvement Plan model, with Employer Representative Bodies	X	X	X
Devolution of the core Adult Skills Fund	X		
Devolution of non-apprenticeship adult skills functions through a consolidated skills		X	X

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
funding pot**			
Central convening of youth careers provision including greater flexibility for Careers hubs		X	X
A clear role in relation to 16-19 education and training		X	X
Responsibility for developing local Get Britain Working Plans	X	X	X
Devolution of supported employment funding**	X	X	X
Co-design of future employment support that is additional to core Jobcentre Plus provision		X	X
Delegated delivery or commissioning of employment support that is additional to core Jobcentre Plus provision			X
Alignment of Jobcentre Plus boundaries with Strategic Authorities			X
Housing and strategic planning			
A duty to produce a Spatial Development Strategy	X	X	X
Strategic development management powers (once the Spatial Development Strategy is in place)		X	X
Ability to raise a Mayoral Community Infrastructure Levy to fund strategic infrastructure (once the Spatial Development Strategy is in place)		X	X
Ability to make Mayoral Development Orders		X	X
Ability to establish Mayoral Development Corporations		X	X

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
Homes England compulsory purchase powers (held concurrently)	X	X	X
Devolution of wider grant funding to support regeneration and housing delivery**		X	X
Ability to set the strategic direction of any future programme to support affordable housing provision in their area			X
Strategic Place Partnership with Homes England		X	X
Support to establish a public sector land commission			X
Economic development and regeneration			
Partnership working with Department for Science, Industry and Technology and UK Research and Innovation to explore opportunities for closer long-term collaboration in strengthening local research and innovation capacity	X	X	X
Develop joint innovation action plans with Innovate UK to shape long-term strategies and investments		X	X
Embed UK Research and Innovation lead points of contact for enhanced collaborative working on innovation with Mayoral Strategic Authorities that are committed to work collaboratively on innovation		X	X
Responsibility as the accountable body for the delivery of Growth Hubs	X	X	X
Devolution of Growth Hubs funding**			X
A Strategic Partnership with the Department for Business and Trade focused on domestic growth, exports, investment, and delivery of local growth priorities.		X	X

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
Partnership working with Department for Culture, Media and Sport Arm's Length Bodies to maximise culture, heritage, and sport spending in place	X	X	X
Environment and climate change			
Devolution of retrofit funding this parliament subject to a successful transition period (see 3.7)**			X
Heat network zoning coordination role	X	X	X
Coordinating local energy planning to support development of regional network energy infrastructure	X	X	X
Green jobs and skills coordination role	X	X	X
A strategic role on net zero in collaboration with government, including on Great British Energy's Local Power Plan and Warm Homes Plan	X	X	X
Responsibility for coordinating delivery and monitoring of Local Nature Recovery Strategies^	X	X	X
Health, wellbeing and public service reform			
A bespoke statutory health improvement and health inequalities duty^	X	X	X
Mayors engaged during the Integrated Care Boards chair appointment process		X	X
Mayors as members of local Integrated Care Partnerships, and consideration for position of chair or co-chair		X	X
A role in convening partners and driving cross-cutting public service reform, including looking at areas such as multiple disadvantage	X	X	X

Detail	Foundation Strategic Authorities	Mayoral Strategic Authorities	Established Strategic Authorities
Public safety			
Mayors accountable for the exercise of Police and Crime Commissioner functions where police force and mayoral boundaries align^		X	X
Mayors accountable for the exercise of Fire and Rescue Authority functions where fire and rescue service and mayoral boundaries align		X	X
A clear and defined role in local resilience, working with the Local Resilience Forum to embed resilience into broader policy and delivery^	X	X	X

COUNCIL

21 JANUARY 2025

REPORT OF CHIEF EXECUTIVE

A.2 **RESIGNATIONS FROM THE TENDRING INDEPENDENTS GROUP**

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Michael Bush on 5 December 2024, served formal notice on the Council that he no longer wished to be treated as a member of the Tendring Independents political group.

I further formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Bradley Thompson on 13 January 2025, served formal notice on the Council that he no longer wished to be treated as a member of the Tendring Independents political group.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

21 JANUARY 2025

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.2 RESIGNATIONS FROM THE TENDRING INDEPENDENTS GROUP

Notice of Wish to no longer be treated as a Member of a Political Group (Tendring Independents) signed by Councillor Bush and dated 2 December 2024.

Notice of Wish to no longer be treated as a Member of a Political Group (Tendring Independents) signed by Councillor Thompson and dated 13 January 2025.

COUNCIL

21 JANUARY 2025

REPORT OF CHIEF EXECUTIVE

A.3 **RESIGNATION FROM THE COUNCIL – LYNDA MCWILLIAMS**

(Report prepared by Ian Ford)

I formally report that, on 2 January 2025, I received a letter from Lynda McWilliams in which she resigned as a Tendring District Councillor. The letter referenced her deteriorating health and the medical advice she had received to step aside from her District Councillor role.

Notice of the Vacancy in The Bentleys & Frating Ward was given and a requisition for an election to fill the vacancy was consequently received from two electors.

Notice of the Election was thereupon given, and the Election will take place on Thursday, 6 February 2025.

As the date of this election (6 February) coincides with a by-election for the Ramsey and Parkeston Parish Council (in the Ramsey Parish Ward), I have decided that the counts for both by-elections will take place here at the Town Hall in Clacton-on-Sea on Friday, 7 February 2025.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

21 JANUARY 2025

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 RESIGNATION FROM THE COUNCIL – LYNDA MCWILLIAMS

Resignation letter received from Lynda McWilliams on 2 January 2025.

COUNCIL

21 JANUARY 2025

REPORT OF CHIEF EXECUTIVE

A.4 **CHANGE IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Tendring Independents Group and the authority delegated to me, the following appointment has been duly made since the last meeting of the Council, namely:-

Planning Policy & Local Plan Committee

Councillor Mark Stephenson has been appointed to serve in place of Councillor Mike Bush.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

21 JANUARY 2025

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.4 CHANGE IN MEMBERSHIP OF COMMITTEES

Email dated 6 January 2025 received from the Leader of the Tendring Independents Group (Councillor Mark Stephenson).

Formal appointment dated 6 January 2025.

COUNCIL

21 JANUARY 2025

JOINT REPORT OF THE DIRECTOR (GOVERNANCE) & MONITORING OFFICER AND THE CABINET

A.5 PROPOSED AMENDMENT TO ARTICLE 9 OF THE COUNCIL'S CONSTITUTION

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable full Council to consider the recommendation made to it by the Standards Committee, and further recommended by the Cabinet, in relation to a proposed amendment to Article 9 of the Council's Constitution.

EXECUTIVE SUMMARY

The Standards Committee, at its meeting held on 24 October 2024 (Minute 27 refers), the Committee decided, inter alia, to recommend to full Council that Article 9.05(2) of the Council's Constitution be amended to state that Tendring District Council would prefer that the Tendring District Association of Local Councils (TDALC)'s three nominated members on the Town & Parish Councils' Standards Sub-Committee should represent different parish/town councils.

The Cabinet, at its meeting held on 20 December 2024 (Minute 95 refers), considered that recommendation, supported it and also recommended the specific wording of an amendment to Article 9.

Council is now requested to consider the recommendation submitted to it by the Standards Committee and further recommended by the Cabinet.

RECOMMENDATION

That Article 9.05(2) of the Council's Constitution be amended to read as follows:-

“(2) Composition:

- **Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;**
- **The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;**
- **Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and**
- **A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the**

complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.”

BACKGROUND

Standards Committee

The Standards Committee (“the Committee”), at its meeting held on 24 October 2024 (Minute 27 refers), considered the appointment of this Council’s members to serve on the Town & Parish Councils’ Standards Sub-Committee for the remainder of the 2024/2025 Municipal Year

The Committee had been reminded that Article 9 (Standards Committee and Town & Parish Councils’ Standards Sub-Committee) of the Council’s Constitution stated that the Council would have, in place, a Town & Parish Councils’ Standards Sub-Committee with the following terms of reference:-

“To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.” [Article 9.05]

Article 9.05 also required that Sub-Committee to consist of three members of the Standards Committee and three non-voting co-opted Town & Parish Council members nominated by TDALC. In addition, the nominated Town & Parish Council members would be of an independent standing and they would not have served as a District Councillor or as a County Councillor for a period of four years prior to their nomination.

The Committee had been informed that Frank Belgrove, Alresford Parish Councillor and the Chairman of TDALC, had emailed the Committee Services Manager on 23 September 2024 and had confirmed that TDALC’s three appointments to the Town & Parish Councils’ Standards Sub-Committee remained as listed below:-

1. Cllr Frank Belgrove (Chairman TDALC) Alresford PC;
2. Cllr Danny Botterell (Vice Chairman TDALC) Little Clacton PC; and
3. Cllr Linda Belgrove (Member TDALC) - Alresford PC.

During the consideration of this matter members of the Standards Committee had expressed their concern that two of the three non-voting co-opted Town & Parish Council members nominated by TDALC represented the same parish council.

Following the discussion of this matter, the Committee had:-

“RESOLVED that –

- (a) *Councillors Oxley, Talbot and Wiggins plus Councillor Newton as the designated substitute Member be appointed to serve on the Town & Parish Councils’ Standards Sub-Committee for the remainder of the 2024/2025 Municipal Year;*
- (b) *notes that the Tendring District Association of Local Councils (TDALC) has previously appointed Parish Councillors Frank Belgrove, Linda Belgrove and Danny Botterell as their three non-voting, co-opted members of that Sub-Committee; and*
- (c) **the Committee recommends to full Council that Article 9.05(2) of the Council’s Constitution be amended to state that Tendring District Council would prefer that**

TDALC's three nominated members on the Town & Parish Councils' Standards Sub-Committee represent different parish/town councils.

Monitoring Officer's Suggestion

The Council's Monitoring Officer considered the matter and, in particular, the resolution (c) of the Standards Committee and suggested the following amendment to Article 9.05(2) for Cabinet's consideration. The text of the amendment is shown in **RED**.

"(2) Composition:

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination; ~~and~~
- **Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and**
- A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training."

Cabinet

The Cabinet, at its meeting held on 20 December 2024 (Minute 95 refers), considered the Standards Committee's recommendation together with the suggested wording put forward by the Monitoring Officer and:-

"RESOLVED that Cabinet recommends to Full Council that Article 9.05(2) of the Council's Constitution be amended to read as follows:-

"(2) Composition:

- *Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;*
- *The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;*
- *Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and*
- *A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training."*

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Standards Committee held on 24 October 2024 and of the meeting of the Cabinet held on 20 December 2024 have been referred to in the preparation of this report.

APPENDICES

None

LAYOUT FOR MEETING OF THE COUNCIL - PRINCES THEATRE (JANUARY 2025 MEETING)

(Chairman
Vice Chairman
Chief Executive
Director (Governance))

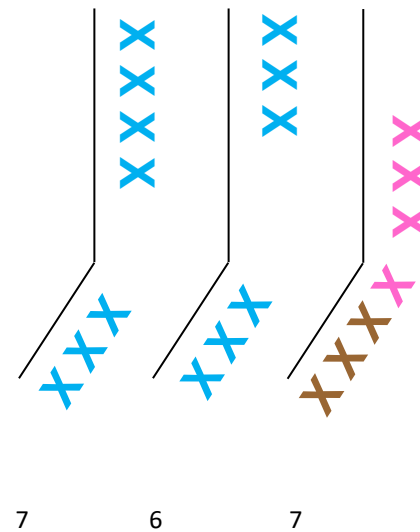
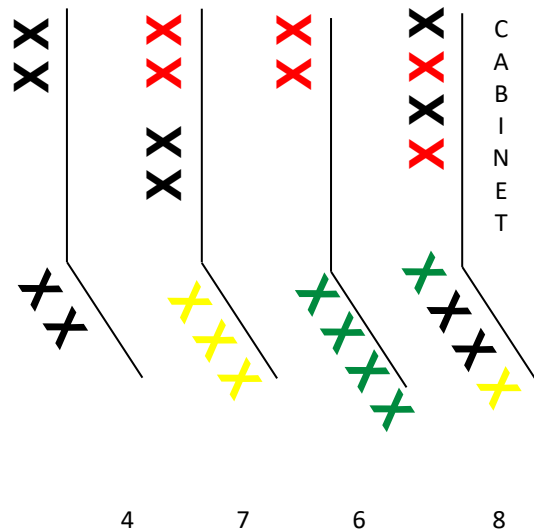
KEY

- X (Blue) = Conservatives
- X (Black) = Tendring Independents
- X (Green) = Independent
- X (Red) = Labour
- X (Yellow) = Liberal Democrats
- X (Purple) = Chairman and Vice-Chairman
- X (Lime) = Officers
- X (Brown) = Not in a Political Group
- X (Pink) = Reform UK



X X

Committee Services Staff



SEATING FOR PUBLIC

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