



CABINET

DATE:	Monday, 17 March 2025
TIME:	10.30 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader; Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor A Baker	- Portfolio Holder for Housing & Planning
Councillor M Barry	- Portfolio Holder for Leisure & Public Realm
Councillor P Kotz	- Portfolio Holder for Assets & Community Safety
Councillor G Placey	- Portfolio Holder for Partnerships
Councillor G Scott	- Portfolio Holder for Arts, Culture & Heritage
Councillor A Smith	- Portfolio Holder for Environment & ICT

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DATE OF PUBLICATION: THURSDAY, 6 MARCH 2025

AGENDA

1 Apologies for Absence

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

2 Minutes of the Last Meeting (Pages 7 - 30)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 21 February 2025.

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 Leader of the Council

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

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council

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

7 Matters Referred to the Cabinet by a Committee - Reference from the Standards Committee - A.1 - Revised Planning Probity Protocol (Pages 31 - 68)

To enable the Cabinet to consider the recommendations made by the Standards Committee in relation to a revised Planning Probity Protocol and sundry other related matters.

8 Leader of the Council's Items - A.2 - Delivering against the Council's Corporate Plan 2024-28 - Final Proposals for Highlight Priorities for 2025/26 (Pages 69 - 88)

The Council's strategic direction is set out in its Corporate Plan which is a fundamental element of the Council's Policy Framework. The Corporate Plan ('Our Vision') was adopted unanimously by Council on 28 November 2023 (Minutes 76 refers) and covers the period 2024-28 (and is reproduced at Appendix A to this report).

A key element of delivering against the adopted Corporate Plan is through annual highlight priority actions approved by Cabinet. The 2025/26 initial proposals for highlight priorities were adopted by Cabinet for consultation purposes on 20 December 2024.

This report summarises the response to that consultation and invites Cabinet to finalise its highlight priorities for 2025/26, giving due consideration to the outcome of the consultation undertaken and the impact of Greater Essex being placed on the Devolution Priority Programme by Government, which includes proposals being developed for local government reorganisation.

9 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.3 - Timetable of Meetings: 2025/2026 Municipal Year (Pages 89 - 98)

To enable Cabinet to give consideration to the timetable of meetings for the 2025/2026 Municipal Year.

10 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.4 - Annual Review of the Council's Constitution (Pages 99 - 144)

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

Following the Working Party's meeting, some additional minor amendments were required for clarity highlighted by the Section 151 and Monitoring Officers and the Leader is proposing to amend the responsibilities for Cabinet and an individual Portfolio Holder, in one area.

The main proposals cover a number of miscellaneous amendments to the Articles of the Constitution, Council Procedure Rules and the Overview and Scrutiny Procedure Rules, Scheme of Delegated Powers and the Financial Procedure Rules in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level.

The key changes to each of these documents are highlighted within the body of this Report.

11 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.5 - Financial Performance Report 2024/25 - General Update at the end of December 2024 (Pages 145 - 188)

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of December 2024 and looking ahead to 2025/26 and beyond.

12 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.6 - Essex Devolution Consultation Response (Pages 189 - 198)

To endorse the proposal that the consultation response to the Government's Greater Essex Devolution Consultation be undertaken by the Leader of the Council, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism (Deputy Leader). The response on behalf of Tendring District Council could either be standalone or form part of an Essex-wide response to go forward as part of the open consultation which closes on 13 April 2025.

13 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.7 - Community Regeneration Partnership - Programme Update and further wave of Projects (Pages 199 - 224)

To update Cabinet on progress on the Community Regeneration Partnership programme and recommend Cabinet agree the high-level strategic approach and scope of the remaining projects aimed at place-based regeneration in Clacton and Jaywick and make delegations for the responsibility for the approach to delivery, and oversight thereof.

**14 Management Team Items - Report of the Head of Democratic Services & Elections -
A.8 - Petition: "Save Citizens Advice Tendring" (Pages 225 - 232)**

To formally report the receipt of a petition submitted requesting the Council to continue to fund Citizens Advice Tendring and the Mental Health Hub and to invite Cabinet to determine its formal response to that petition, which will then be reported to Full Council at its meeting due to be held on 25 March 2025.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 11 April 2025.

Information for Visitors

TOWN HALL FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 21ST FEBRUARY, 2025 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

PRESENT:

PORTFOLIO:

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

Group Leaders Present by Standing Invitation: Councillors P B Honeywood (Leader of the Conservative Group), P J Harris (Deputy Leader of the Reform UK Group) and G D Steady (Deputy Leader of the Independent Group)

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Economy & Place) & Deputy Chief Executive (Lee Heley), Corporate Director (Operations & Delivery (Damian Williams), Director (Governance) & Monitoring Officer (Lisa Hastings), Director (Finance & IT) & Section 151 Officer (Richard Barrett), Director (Planning & Communities) (Gary Guiver), Head of People (Katie Wilkins), Committee Services Manager (Ian Ford), Committee Services Officer (Katie Koppenaar) and Communications Officer (James Dwan)

121. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors J D Bray (Leader of the Reform UK Group) and J B Chapman BEM (Leader of the Independent Group).

122. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 31 January 2025, be approved as a correct record and be signed by the Chairman.

123. DECLARATIONS OF INTEREST

In relation to Agenda Item 15 (Report of the Partnerships Portfolio Holder – A.8 – Tendring Careline: Decision on the Future of the Service), Councillor P B Honeywood declared an Interest insofar as a close member of his family was a customer of Careline.

124. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no such announcements on this occasion. However, the Leader of the Council facilitated the following:-

Deferral of Agenda Item 13 – Report of the Assets & Community Safety Portfolio Holder- A.6 – Adoption of a Crime and Disorder Reduction Strategy

The Monitoring Officer informed Cabinet that, with the agreement of the Leader of the Council, report A.6 would stand deferred from this meeting. This was due to the fact that this report referred to the Strategic Assessment (Appendix 2) which had been restricted to Members' access only and not therefore published in the public domain. This restriction needed to be reconsidered and therefore it was necessary to defer this item until a future meeting of the Cabinet.

LGR Initial Proposals

The Chief Executive reminded Members that the initial LGR proposals were required to be submitted to the Government by 21 March 2025 and that the fully detailed proposals would be due to be submitted to Government in September 2025. To that end, the Essex Leaders and Chief Executives would be meeting on 28 February 2025 to discuss and reach a consensus on those Initial Proposals. It was then intended to hold an Extraordinary Meeting of the Council on 11 March 2025 to enable this Council's Members to be informed of those proposals and to discuss them.

125. ANNOUNCEMENTS BY CABINET MEMBERS

Older Persons Crucial Crew Event

The Partnerships Portfolio Holder (Councillor Placey) reported that this event had been a great success and had been centred around giving advice to persons aged 55+ around crime prevention and personal safety. Such had been its success that it was now intended to hold another such event in October 2025 and there were already 60 people on the waiting list for it.

Visit to Colchester Hospital

Councillor Placey informed Cabinet that she had recently visited the new Orthopaedic Unit at Colchester Hospital which was an excellent addition to the medical facilities available to residents. Though the waiting list for appointments was still long, the Unit had only been open for 12 weeks and had succeeded in reducing the waiting time by 7 weeks.

126. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

127. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

128. LEADER OF THE COUNCIL'S ITEMS - A.1 - HIGHLIGHT PRIORITY ACTIONS 2024/25 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE THREE QUARTERLY POINT

Cabinet considered a detailed report of the Leader of the Council (A.1) which provided it with an update to the Quarter 3 position (October-December 2024) on the positive progress with the Highlight Priority Actions adopted for 2024/25 towards the Council's Corporate Plan Themes for 2024-2028.

In considering this report, Cabinet also reflected on the range of significant matters that the Council had delivered in the first nine months of 2024/25 which included:-

- (1) Tendring Junior Ambassadors Embrace Global Cultures with Vibrant Celebration;
- (2) Families celebrate Dovercourt Bay Lifestyles' 40th anniversary;
- (3) Top reviews for Snow White and the Seven Dwarfs panto at Clacton's Princes Theatre;
- (4) Tendring District Council named IED Social Value Champion of the Year for The Sunspot;
- (5) 13 further car parks across Tendring receive top safety awards;
- (6) Tendring Awards Ceremony Honours Business Achievements; and
- (7) Polling Districts and Places Review.

Having considered, as part of the project management by Cabinet, the position in respect of the major projects which were the subject of the adopted highlight priorities of Cabinet for 2024/25:-

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

RESOLVED that the contents of the report be noted together with the approval of the highlighted realignment of particular milestones for particular highlight priority actions, as set out in the Leader of the Council's report (A.1).

129. CABINET MEMBERS' ITEMS - REPORT OF THE ASSETS AND COMMUNITY SAFETY PORTFOLIO HOLDER - A.2 - ESSEX PROCUREMENT PARTNERSHIP UPDATE & PROCUREMENT STRATEGY

Cabinet considered a detailed report of the Assets and Community Safety Portfolio Holder (A.2) which update it on the progress of the collaboration procurement service, known as Essex Procurement Partnership and which sought its approval for the Collaboration Agreement to be entered into, replacing the arrangement directly with Essex County Council and endorsing the proposed Procurement Strategy for Essex Procurement Partnership, as the interim strategy for the Council.

Members were reminded that the collaborative partnership initially between Tendring District Council and Essex County Council for the delivery of procurement functions had begun on 1st October 2021 and continued until March 2025.

Cabinet recalled that, in March 2023, it had approved Tendring District Council forming part of a wider partnership of Councils to explore the Shared Procurement Service for parts of Essex, now known as the Essex Procurement Partnership (EPP).

Since 2023, the Council had worked in collaboration with Braintree District Council, Castle Point Borough Council, Epping Forest District Council and Essex County Council (the EPP Member Authorities) with the purpose to enable effective and efficient

procurement, maximising the value for every pound spent by those local authorities across Essex for the benefit of local residents.

The collaboration would achieve this through a shared procurement team, with:

- *Pooled resource enabling a resilient procurement service.*
- *The combination of expertise enabling well informed procurement activity to maximise value from the market and better value for Essex residents.*
- *Shared procurement activity enabling savings through economies of scale and efficiencies in the use of the procurement team.*
- *Standardisation of processes and documentation to support local businesses and SMEs in bidding for Essex opportunities.*

Members were aware that this Council's Portfolio Holder for Assets and Community Safety being the Executive Member responsible for procurement represented the Council at the Member Advisory Group (MAG) with elected Members from each local authority. The MAG had been established in September 2023 and provided executive member oversight of the EPP reviewing the performance of EPP in delivering against its objectives and acting as both critical friends and champions of the partnership.

It was reported that, currently, the EPP Member Authorities were taking the Collaboration Agreement, Procurement Strategy and Social Value Policy through their respective Cabinets. The concept of the collaborative procurement partnership and shared working approach had already been introduced and adopted through Cabinet. Whilst existing delegations were already in place to complete a partnership agreement, it was felt that in the light of the substantial progress made through the collaboration, it was appropriate to seek full Cabinet's approval and present the proposed Procurement Strategy for consideration.

Cabinet was advised that the core objectives of EPP, endorsed by the MAG were set out in Schedule 1 of the Collaboration Agreement provided at Appendix A to the portfolio Holder's report (A.2), and transferred to Service Plan objectives, as follows:

- *Contract Liquidity – To develop a clear contract register and forward plan to enable members to understand third party commitments and proactive procurement.*
- *RFQ Process – Provide the necessary template documentation and training to allow member authority staff to effectively undertake sourcing activity under the Party's tender threshold.*
- *Sourcing Activity – Undertake all procurement for the Members Authorities above the Party's tender threshold where placed on the pipeline 6 months ahead of requirement, with the exception of ECC where projects will be allocated by the Service Manager. This sourcing activity to be undertaken in line with the prioritisation approach set out in Schedule 3. Where projects are identified less than 6 months before needing to be procured the Lead Party will use best endeavours to undertake this procurement to support the requesting party.*
- *Category Management – Identify key categories of spend across member authorities and undertake review of this spend to identify savings opportunities, with the creation of a category strategy.*

- *Collaboration – Identify through category strategies and general procurement activity opportunities for collaborative procurement, create a plan for these projects and undertake sourcing activity to deliver benefits from this.*
- *Frameworks – Critically assess existing frameworks to understand income vs. effort and expertise to create. Focus on increasing income from existing frameworks and identifying new frameworks to increase income.*
- *Social Value – Introduce a common approach to social value/ climate agenda to sourcing activity for members.*
- *Knowledge – Provide business Parties and a supporting procurement team with the right knowledge and capabilities to deliver an effective and professional sourcing service to each member.*
- *Development – Undertake an assessment of procurement maturity and support in developing this level of maturity in line with the National Procurement Strategy.*
- *Network – enable access to wider expertise within the ECC team and wider authority network where resource is available.”*

The Collaboration Agreement set out how EPP would deliver the objectives in detail and the governance structure which oversaw its operation.

It was noted that the Collaboration Agreement was proposed to be in place for a three-year trial period, during which time performance would be reviewed for all Member Authorities to consider whether it wished to continue to participate in EPP and whether a longer-term position should be adopted. This timeline also accorded with the potential Local Government Reorganisation programme and could be reflected upon as further information became known.

It was important that the Council responded proactively to the Prioritisation Approach and ensured that it maintained robust data to ensure the projects and services could be delivered by factoring the procurement activity and all four stages of the commercial pathway into their timelines. The Portfolio Holder for Assets and Community Safety would have oversight of the Council's Procurement Project Pipeline to feed into the EPP workplan.

Members were made aware that the Collaboration Agreement, as set out in Appendix A to the Portfolio Holder's report (A.2), was still in draft form to be finalised for completion by the Member Authorities. The financial contributions could be met from existing budgets and any inflations through the normal budget setting cycles. As the level of procurement activity increased and the Procurement Act 2023 (“the Act”) came into force, with a revised National Procurement Policy Statement there was a need to review the available legal resources and its capacity to support the partnership. There was a proposal to be explored with shared resources within the partnership and potentially funding additional capacity to provide procurement and contract legal advice.

The Procurement Strategy

Cabinet was informed that the Procurement Strategy, provided as Appendix B to the Portfolio Holder's report (A.2), set out the rationale for the Collaboration, Vision, Goals,

Scope and Remit, and Strategic Priorities and Actions of EPP for the next three years and would be expected to apply to procurement within the Council. This sought to deliver the agreed objectives as set out and in particular outlined how EPP would do so over the next three years in line with the Act.

Members were cognisant that current guidance documents produced by the Government highlighted the four stages of the commercial pathway being Plan, Define, Procure and Manage and the Strategy provided more detail on those stages, but all services across the Council would note that the procurement phase, was the third one out of four. More attention to preparation resources and groundwork being provided by the commissioning service area should be placed on the first two parts to ensure the Council could make the most of the flexibilities the new Act provided by being clear of the service's intentions through the required notices.

It was set out that EPP would review and update its Procurement Strategy annually to ensure that it remained relevant and responsive to the changing needs and circumstances of the Authorities including new legislation and national policy. EPP would monitor and report on the progress and performance of this Procurement Strategy to Members and stakeholders.

It was recognised that the new Act introduced a shift in procurement objectives, moving beyond the traditional focus on equal treatment and non-discrimination. Now, contracting authorities were mandated to deliver value for money, maximise public benefit and act with integrity throughout the procurement process.

Cabinet was made aware that the Government's National Procurement Policy Statement (NPPS) had been published on 13th February 2025 in readiness for the Act going live on 24th February 2025 and came into effect on the same date. The NPPS applied to all contracting authorities as defined in the Act. The Procurement Strategy supported the priorities of the NPPS.

Having recognised that a number of benefits would be achieved to EPP members, so benefiting Essex residents which included:-

- Increased resilience – through more resource, EPP was able to better flex to the peaks and troughs of each Authority and enabled effective delivery of projects in Districts improving the services residents received.
- Procurement Expertise – By operating across multiple authorities, staff were able to specialise in categories of spend, with more procurement activity in those categories. The result of this should be more informed procurements which in turn would deliver better value for money for the District's residents.
- Category Spend management and strategic oversight for consolidation opportunities – Ensuring the Council could have regard to the importance of achieving value for money, as this was always the overarching priority in public procurement. Government guidance (e.g. Managing Public Money and Best Value statutory guidance) set out how to use public money responsibly.
- Savings Opportunities & Increased Market Influence – Through a common forward plan of procurements required, and working as a team, the Member Authorities would be able to better identify collaborative procurement opportunities. This gave the opportunity to combine spend, creating economies of scale and so delivering contractual savings. Additional benefits would be achieved through efficiency in the resource model, with collaborative procurements enabling fewer tender processes to

- be undertaken. Over time, as the team developed, savings in the staff model would be enabled so reducing the overall cost of the team to member authorities.
- Reduced Duplication – Working together to have one common approach to procuring and social value would both create efficiencies for the procurement team and reduce the administrative burden to those bidding for procurements. Small to Medium Enterprises and Voluntary Sector Organisations who tended to have limited resources to bid, should be particularly advantaged by this approach.
 - Staff Retention and Improved Practice – By collaborating together, efficiencies would be created to enable the delivery of professional procurement practice. The common approach to assessing Social Value was an example of this. Other examples included work to understand the market from which the Authorities were sourcing, introducing an industry recognised category management approach to drive better value for money in Districts and Boroughs.
 - Governance – ensuring the Member Authorities had appropriate and proportionate controls, systems and standards to manage procurement risk and to comply with legal requirements.

It was also felt that the adoption of the EPP Procurement Strategy for the Council to deliver in line with and publication on the Council's web page set a clear direction of the next three years, in line with the requirements of the Act and the National Procurement Policy Statement.

RESOLVED that Cabinet -

- (a) agrees to enter into a Collaboration Agreement for the delivery of joint procurement services for a three-year period on substantially the same terms as set out in Appendix A of the Portfolio Holder's report (A.2) with:
 - Braintree District Council
 - Castle Point Borough Council
 - Epping Forest District Council
 - Essex County Council
- (b) authorises the Director for Governance, being responsible for the Council's corporate procurement function, to sign the final Collaboration Agreement on behalf of the Council;
- (c) agrees that Essex County Council should be the Accountable Body under the Collaboration Agreement acting as Lead Party, which includes responsibility for the day-to-day management of the service and its financial administration and managing seconded staff;
- (d) notes that the Collaboration Agreement provides for annual contributions from the Council, which can be met from within existing budgets, although subject to review as part of the annual budget setting cycle to respond to changes such as inflationary increases;
- (e) notes that further secondment or employment of staff to Essex County Council to support Essex Procurement Partnership, is fully and jointly funded by its Member Authorities;
- (f) supports exploration of additional resource to support the legal support to the Essex Procurement Partnership, in particular for procurement and contract legal advice;

- (g) endorses the continuous improvement approach as identified seeking views on the existing partnership and joint working through an internal questionnaire to feed into the arrangement for the next three years;
- (h) approves the Procurement Strategy for recommendation onto Full Council for adoption as required by the Council's Policy Framework; and.
- (i) instructs Officers to regularly update the Portfolio Holder for Assets and Community Safety, as being responsible for procurement on the content and quality of the Council's Contract Register and Procurement Project Pipeline ensuring it is kept up to date, enabling Council projects and business as usual can be delivered through the approved Essex Procurement Partnership Prioritisation Approach.

130. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.3 - UK SHARED PROSPERITY FUND TRANSITION YEAR 2025/26

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.3) which recommended acceptance of the 2025/26 UK Shared Prosperity Fund (UKSPF), which totalled £563,028, and the Council's approach to its allocation and alignment with the adopted External Grant Making Policy.

Members were reminded that the UKSPF programme, established in 2022 by Central Government, was part of a wider programme which had allocated funding nationwide to Councils for locally led delivery. Funding had been delivered via Multiply, the Rural England Prosperity Fund (REPF), and Shared Prosperity Fund Programmes.

As the current programme would draw to a close at the end of 2024/25, a transition year had been announced by MHCLG for 2025/26, for UKSPF only. DEFRA was yet to make a formal announcement regarding any continuation of REPF and therefore this would be brought forward separately if any amount was to be allocated to Tendring. All money had to be spent and fully delivered by 31 March 2026.

It had been announced in December 2024 that Tendring had been allocated £563,028 (made up of £71,771 capital and £491,257 revenue), via an updated funding formula, to be allocated to projects across three themes in 2025/26. The themes were unchanged from the previous programme, and supported by sub-themes as follows:

- Communities and Place
 - o Healthy, Safe, and Inclusive Communities
 - o Thriving Places
- Supporting Local Business
- People and Skills
 - o Employability
 - o Skills

As set out in Appendix A, the External Funding High Level Framework Checklist had been considered and completed.

It was proposed that the bulk of the funding allocated for 25/26 be made available via an open call for projects under each of the main three themes, and projects assessed for their value for money and fit into the sub-themes by Officers, continuing business as

usual from the previous three-year programme, with one key difference. Rather than allocating specific amounts to each theme and sub theme, it was proposed to instead make the total amount available known and respond to need/demand as evidenced by the applications received, rather than allocating a specific amount per theme then finding that some were over or under-subscribed, or otherwise unable to deliver by the 31 March 2026.

It was reported that applications would be welcomed from external organisations via the open call, as well as Council projects, and all would be subject to the same assessment process. Projects would be reviewed by Officers, to include due diligence on the applicant organisation itself as well as the veracity of the claims made about the project applied for, and in cases where match-funding was applied for, to check other funding sources were in place to ensure delivery of the project to meet the March 2026 UKSPF deadline. Decisions on whether to reject, award, or part-award funding would be made by the Portfolio Holder for Economic Growth, Regeneration and Tourism, and subject to call-in by other Members.

As part of the open call for projects, it was proposed to continue specifically two grant schemes which had been successful in the previous UKSPF scheme namely: 'Extend the Season' Events Grants, which linked to ongoing work with town centres and Long-Term Plan for Towns funding, and Widening Participation Sports Grants, linked to the Sports Strategy. Further information on those Schemes, and a select number of other recommended projects which had demonstrated strong value for money, were found at Appendix B of the Portfolio Holder's report.

Cabinet was informed that it had also been considered that the funding landscape for 2025/26 was very different to that of the initial UKSPF Investment Plan submitted in 2022. Projects recommended at this stage in Appendix B, and invited via the proposed open call, had been/would be assessed as to whether UKSPF was the 'best fit' for project to ensure parity across the District as far as possible. For example, the Community Regeneration Partnership (CRP, formerly the Levelling Up Partnership, LUP) funding was limited to Clacton and Jaywick, and High Street Accelerator (HSA) funding was limited to Dovercourt, and both places were also receiving capital funded projects via the Levelling Up Fund and Capital Regeneration Project funding. Therefore, in allocating UKSPF, those areas would not be excluded or weighted against specifically, but to ensure value for money of any particular project, UKSPF would not automatically be recommended where a strong project could be funded from another source.

Members were made aware that, as with the 2022-25 scheme, and as per the 2025/26 Technical Note, *"Each lead local authority will be able to use up to 4% of their allocation by default to undertake necessary Fund administration, such as project assessment, contracting, monitoring and evaluation and ongoing stakeholder engagement."* With up to four percent of the 2025/26 allocation available (£22,521.12), it was proposed to consider the potential to cover either staff costs or wider external support for the process. Any recommendation on this allocation would come forward via an Executive Decision.

Cabinet was cognisant that monitoring would continue to take place in the same way as 2022-25, with six-monthly updates reported to Government via their bespoke Power App. This programme allowed for spend, outputs, and outcomes delivered per quarter to be reported to Government and approved by the Council's Section 151 Officer. Further

information on monitoring was included at Appendix B, as well as the published outputs and outcomes for 2025/26 at Appendix C. All successful grant recipients received a grant agreement letter which stipulated standard terms and conditions including the requirement to acknowledge the funding received, the requirement to provide evidence of spend in a timely manner, and financial clawback arrangements if money was found to have been misspent.

The Monitoring Officer referred to the fact that Appendix C (the UKSPF 2025/26 Outputs and Outcomes, published by the MHCLG) to the Portfolio Holder's report had been restricted to Members only and therefore had not been published in the public domain. Having reassessed the matter, the Monitoring Officer informed the Cabinet that this document could now be placed in the public domain. The Committee Services Manager thereupon circulated copies of Appendix C to the members of the public present at the meeting and undertook to update the Council's website accordingly.

Having noted that work at this stage was being prepared so that the Team could move as efficiently as possible when the payment schedule, memorandum of understanding, grant determination letter, and the funding itself was received in the new financial year and that with this in mind, it was proposed that a launch event take place in mid-March alongside promotion of the opportunity for businesses and community groups to apply to the open call for funding and being aware that, without approval at this stage, this preparation time would be lost, reducing the time available for any projects to deliver:-

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

RESOLVED that Cabinet:

- (a) following the review of the External Funding High Level Framework Grants Checklist, as attached in Appendix A to the Portfolio Holder's report (A.3), accepts £563,028 from UK Shared Prosperity Fund;
- (b) approves the allocation of: £40,000 to commission business support; £26,500 to the continuation of the Local Cultural Education Partnership (LCEP) Officer role; £19,506 to the continuation of the Council's Town Centre Manager Role; £15,000 for Extend the Season Events Grants; and £25,000 for the Widening Participation Sports Grants scheme, as set out in Appendix B to the Portfolio Holder's report (A.3);
- (c) allocates the remainder of the UKSPF funding via an open call for projects in quarter one 2025/6 under the themes set out in the Portfolio Holder's report;
- (d) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism to approve the criteria for assessment of grants under the UK Shared Prosperity Fund;
- (e) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism to approve the award of grants to organisations under the UK Shared Prosperity Fund; and
- (f) authorises the Council's Section 151 Officer, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to sign the grant agreement and memorandum of understanding for the funding, when they are received from Government.

131. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.4 - ORWELL PLACE CAR PARK AND EVENT SPACE, DOVERCOURT: POST PROJECT REVIEW

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.4) which presented a post project review of Orwell Place Car Park and Event Space for consideration by Cabinet, and which provided an update on the regenerated site in Dovercourt Town Centre since opening in September 2023.

Cabinet was aware that Orwell Place Car Park was the first phase of the 'Dovercourt Revisited' plan, supporting the town to grow to its full potential and would support future projects in the process of being developed which included:-

- “1. *Kingsway improvements: A major investment into the appearance of Dovercourt Town Centre.*
2. *Library project: The Adult Community Learning skills centre will return to the area within a refurbished library.*
3. *Milton Road: Demolish the out-of-date multi-storey car park at Milton Road and provide an attractive and safe ground level car park to compliment Orwell Place.*
4. *Victoria Street: Demolish a dangerous structure and redevelop 8 new social homes.”*

Members recalled that further opportunities were currently being delivered through the High Street Accelerator Pilot Scheme (HSA) which had provided seed funding of £237,000 and green space funding of £500,000. Dovercourt High Street had been chosen as one of ten high streets receiving funding from the HSA Pilot Programme which had been announced in March 2023 as part of the Anti-Social Behaviour (ASB) Action Plan.

Schemes within the HSA included shop front grants, a pop-up shop, improved wayfinding, shop wrapping, a new website and events. The green spaces proposal currently being designed by a team of award-winning urban designers, would link the high street, beach and the Kingsway Improvements Projects enhancing the public realm offer to the community.

The 'Starlings' site redevelopment had been advocated in Dovercourt Revisited, approved by Cabinet in July 2019. Dovercourt Revisited had proposed a redevelopment with a new animated public space, public toilets, and a surface car park with the capacity to accommodate 59 car parking spaces, with six designated for disabled use.

It was reported that on 13 September 2019, Cabinet had allocated £1.599m from existing Council resources to the redevelopment of the Starlings site in Dovercourt Town Centre and the demolition of the Milton Road Car Park and 15 parking spaces in Bagshaw Road. The delivery proposed redevelopment of the Starlings site first, to create new parking and then demolish Milton Road Car Park.

Members were reminded that, following provisional completion of the project, Orwell Place Car Park had been opened in September 2023 on the site of the former derelict Starlings Site in Dovercourt High Street with a revised 53 parking spaces in total; eight with electric vehicle charging, and eight disabled bays which hosted two of the electric chargers. Essex County Highways were still to sign off the entranceway and so

completion of the final account with contractors remained outstanding, which would determine the final cost of the project. The Council had allocated a total of £2,541,050 to the project and there was currently a forecast underspend.

Cabinet was cognisant that the project had been completed during the post-pandemic surge in the cost of capital works, and significant ground contamination had been discovered, as well as the following challenges:-

- *post COVID-19 and the substantial increase in the cost and availability of materials.*
- *more site contamination than originally anticipated.*
- *discovering a petrol tank that had leaked and further contaminated the development site.*
- *discovering pits and wells on the development site.*

As a result of those challenges, the project budget had been increased by Cabinet on 28 January 2022 to £1,871,550 when the tenders had been received, and subsequently on 7 October 2022 to £2,471,550 and then in January 2023 this budget had been increased to £2,541,050.

In recognition of those cost increases, the demolition of Milton Road Car Park had been removed from the project by Cabinet in January 2022 and subsequently included in the successful Capital Regeneration Project bid (formally the Levelling Up Fund) in July 2022. Those works had recently been approved for planning permission and were scheduled to take place in 2025.

Cabinet was advised that the approved contractor was now in the final snagging period, and there was a requirement for UK Power Network (UKPN) works to be completed and final Highways approval for the entrance before the final account could be agreed. The total forecast cost of the project was expected to be £2,377,123.67 when the retention sum was paid, which would leave a potential underspend of £163,926.

Progress against the original project objectives as set out in the original report had been strong, as set out in the table below:-

Objective	Current Position	Achieved/Not Achieved
<i>Bringing back into productive use a vacant and derelict site, which currently blights the town and has a negative impact on Dovercourt High Street.</i>	<i>The space is an attractive car park with public toilets and doubles as an events space.</i>	Achieved
<i>Creating new public realm and amenity space, providing the opportunity for greater animation thereby creating a more vibrant town centre</i>	<i>Public realm including seating lines the pavement in the High Street with a pocket seating area opposite the Milton Road Car park. The landscaping has now established and provides an attractive, vibrant space that supports improving dwell time and a sense of pride in the area</i>	Achieved
<i>Providing a multi-use</i>	<i>The car park has seen 14</i>	Achieved

<i>'event space' in the town centre, through the creative use of the proposed new surface car park</i>	<i>events in 2023/4 in line with the Councils Temporary Events Notices</i>	
<i>Reducing the opportunities for crime and disorder through improved urban design</i>	<i>Recent data from the Police for Harwich shows that Anti-Social Behaviour (ASB) incidents have fallen from 341 in 2021 to 165 in 2023. This is part of a wider trend of reduced incidents of ASB</i>	Achieved
<i>Providing a high-quality meeting place in the town centre improving the opportunities for positive social engagement</i>	<i>There is a pocket space within the car park along with benches to the front providing sociable dwell space</i>	Achieved

Cabinet was told that the original Cabinet report had also set out wider objectives for the car park and events space, to bring in additional footfall and private sector investment to the town centre. Those had yet to be achieved, as this project was one of several 'building blocks' including the wider regeneration of Dovercourt through the CRP and HSA schemes. The significant national decline for town centres, driven by the move to out of town and on-line shopping, would also be recognised in progressing the wider outcomes set out below:

- *Supporting wider 'place shaping' objectives through the delivery of new housing*
- *Creating confidence in the market, and encouraging private sector investment*
- *Creating a more accessible public car park, and improving footfall in the town – where footfall in the town has dropped slightly since 2023*
- *Giving the towns' existing traders the confidence to invest in their businesses and in their property*

The full list of key objectives from the delivery of Orwell Place were summarised in Appendix A to the Portfolio Holder's report (A.4) along with lessons learnt.

It was important to learn from any challenges for future projects and ensure that mitigation was put in place to ensure similar issues could be addressed pro-actively. The Council now had a Project Delivery Unit staffed with architects and surveyors to provide expertise and capacity for the scale of capital works it was undertaking given the multi-million pound grants from Government for capital delivery.

Some of the key lessons learnt, which importantly should be used to inform future projects were:

Objectives	Lessons Learnt	What was the Response?
<i>Bringing back into productive use a vacant and derelict site, which currently blights the town and has a negative impact</i>	<i>Large construction projects need several services working together as there are so many areas of risk and so a pool of experts to support projects is important.</i>	<i>A project board has been established for large capital projects which consists of</i>

<p><i>on Dovercourt High Street</i></p>	<p><i>Cost should be revisited after lengthy periods between tender and construction periods, taking into account any external impacts to expenditure.</i></p> <p><i>Increasing qualified capacity within the organisation across disciplines, is required for capital delivery such as surveying, to support the completion of substantial capital projects and resourcing client-side financial oversight in addition to the cost consultants in the external professional team.</i></p>	<p><i>relevant senior officers and partners as appropriate.</i></p> <p><i>Addressing the limited capacity within the organisation to support substantial capital projects. Steps have already been taken to address this issue by establishing a new Project Delivery Unit for two years by Cabinet in July 2024. The Unit's primary goal is to improve the efficiency and effectiveness of project delivery, ensuring that projects are completed on time and within budget.</i></p>
<p><i>Improving footfall in the town</i></p>	<p><i>Providing a new and improved car park will not necessarily stimulate usage with a slight drop in income compared to Milton Road the previous year. With residents permits starting at 11am roadside parking spaces are still premium. Businesses and residents who use the town earlier will take any free space available rather than using the car park</i></p>	<p><i>This car park will future proof the parking offer for residents if restrictions regarding on-street parking is ever brought in across the district.</i></p> <p><i>Consideration needs to be taken as to how this objective links with further regeneration in</i></p>

		<i>the area. This is the first stage of a number of regeneration projects that will support the improvement to footfall.</i>
<i>Creating a more accessible public car park</i>	<p><i>Ensuring all decisions are in place prior to opening, such as designation of the site as a car park. The car park opened prior to the designation of the land was granted. This meant the car park was free of charge for a period.</i></p> <p><i>Greater consideration should be given as to how the car park will operate. For example, the impact on the operational model of the EV chargers and on any funding opportunities if the space is multi-functioning.</i></p> <p><i>It is more cost-effective to outsource the provision of EV charging than provide it in house due to the risks of innovative infrastructure.</i></p>	<p><i>Long term planning is required and consultation with the community, businesses, stakeholders and internal services to understand future aspirations, opportunities and challenges.</i></p> <p><i>EV chargers are expensive to install. Outsourcing means that the installation maintenance and usage remains the responsibility of a third party who in turn provide a small % of the income to TDC</i></p>

Having been updated with regards to the success of the Orwell Place capital project which had supported economic development, enhanced community services, and ultimately contributed to the long-term regeneration of Dovercourt High Street and having been informed of the lessons learnt for the delivery of a major construction project and to ensure those were documented and considered for future projects:-

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

RESOLVED that Cabinet:

- a) notes this post project review of Orwell Place and endorses the learning points as set out in Appendix A of the Portfolio Holder's report (A.4), to inform future capital projects;
- b) requests the Leader of the Council to ensure that key messages from the aforementioned Appendix A, are clearly documented within the Council's Annual Governance Statement, as expected by the Best Value Duty Statutory Guidance; and
- c) invites the Overview and Scrutiny Committees to consider including the outcome of this review on their work programmes to provide additional scrutiny of the performance and lessons learnt.

132. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.5 - CONSIDERATION AND ADOPTION OF THE HOUSING ASSET MANAGEMENT PLAN AND THE ASBESTOS MANAGEMENT POLICY (HOUSING STOCK)

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.5), which submitted the following draft policies prepared in relation to the maintenance and operation of the Council's retained housing stock:

- Housing Asset Management Plan
- Asbestos Management Policy (Housing Stock)

Members recalled that in response to the Regulator for Social Housing having its powers enhanced under the Social Housing (Regulation) Act 2023, new Consumer Standards and Tenant Satisfaction Measures had been introduced and which had taken effect on 1 April 2024.

It was felt that the adoption of this Management Plan and Policy would therefore assist the compliance with the legal and regulatory standards for performance.

Cabinet was informed that the Housing Asset Management Plan had been developed to provide a framework to enable the safe, efficient, and effective management of Council owned homes and related buildings and facilities.

To assist the Council to better understand its housing stock, the Development and Building Team had access to various software. Lifespan (asset management) and Oneserve were housing specific data management platforms that held all of the Council's compliance and stock data including the issuing of, and monitoring of, workflows. The use of Safety Culture (iAuditor), as an inspection tool, enabled the creation of templates to assist with the recording of the relevant information required when all types of site inspections were undertaken. This captured information also fed into responsive and planned maintenance works including the management of disrepair complaints.

This plan also strongly supported one of the six themes contained in the Council's Corporate Plan and Vision 2024-2028 namely 'Pride in our Area and Services to Residents', with a continuing commitment to providing decent Council housing that everyone deserved.

Members were made aware that the Asbestos Management Policy set out the actions taken within the housing stock to manage Asbestos Containing Materials (ACMs) in accordance with The Control of Asbestos Regulations 2012 (CAR), and best practice guidance.

In order to set in place clear plans and policies to inform future maintenance and management activities and such policy framework to evidence compliance with regulatory standards:-

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

RESOLVED that Cabinet –

- (a) adopts the Housing Asset Management Plan and the Asbestos Management Policy for its housing stock and authorises their direct and immediate implementation, subject to call in; and
- (b) authorises the Corporate Director (Operations and Delivery) to make future updates or amendments to the Policies, in consultation with the Portfolio Holder responsible for Housing.

133. CABINET MEMBERS' ITEMS - REPORT OF THE ASSETS AND COMMUNITY SAFETY PORTFOLIO HOLDER - A.6 - CONSIDERATION AND ADOPTION OF A CRIME AND DISORDER REDUCTION STRATEGY 2025 - 2028

This item had been deferred for the reasons stated under Minute 124 above.

134. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.7 - HEALTH & WELLBEING DRAFT STRATEGY FOR TENDRING

Cabinet considered a report of the Partnerships Portfolio Holder (A.7), which presented a draft Health and Wellbeing Strategy for Cabinet's approval to then be consulted on through a stakeholder and public consultation process.

Cabinet was presented with a new evidence-based Health and Wellbeing Draft Strategy, to support delivery of the Council's priorities as set out in the Corporate Plan. This draft Strategy would set the direction for the Council's focus on supporting residents to live a healthier, independent and fulfilling life. Evidence from data showed that although there were some improving figures, when compared to other areas in Essex, Tendring District still had higher than average levels of certain preventable long-term conditions, poorer mental health, overweight/obesity and lower physical activity levels.

It was believed that adoption of this Strategy and the action plan within it, would help support partnership working to deliver improvements around the wider determinants of health in the District which would have a direct impact on health and wellbeing outcomes.

Taking into account the data and partner feedback as detailed in the draft Strategy, the following strategic objectives were considered key to improving the health and wellbeing of residents:

1. *The Wider Determinants of Health*
2. *Improving Wellbeing & Resilience*
3. *Encouraging a healthier lifestyle*
4. *Improve Long Term Condition Prevention and Management*
5. *Suicide Prevention*

Members were informed that the draft Strategy was presented with an action plan, to impact on all of the objectives set out above. Although it would not be possible for the Council to fund all the actions listed, adopting an action plan would allow the Council to proactively look for external funding opportunities.

A key focus of this work was to ensure that all residents felt represented by the draft Strategy and were supported in living a healthier, independent and fulfilling life.

It was felt that this could be achieved by working closely with health partners to deliver initiatives that helped to tackle some of this District's health needs. Understanding how the wider determinants of health could have a real impact on health outcomes was critical to improving the quality of life for many residents.

Cabinet was informed that the draft Health and Wellbeing Strategy aligned with the Sport and Physical Activity Strategy. The feedback from the consultation had shown that the majority of participants took part in 150+ minutes of exercise a week, using cycle paths, footpaths and recreation grounds. The main barriers to exercise were shown to be access to facilities close to where the participants lived. The Council would continue to work in partnership across the organisation to connect the health and physical activity agendas.

Members were made aware that the draft strategy set out a plan for funding some projects through the public health grant which was allocated by Essex County Council (ECC). Working within the agreed priorities within the grant, projects could be funded that delivered health improvements. The Council would share significant projects with our partners at the Community Safety Partnership and Health and Wellbeing Board to help facilitate success in delivery.

It was felt important to seek comments on the draft Strategy from partners in the Health Alliance, the Community Safety Partnership and Health and Wellbeing Board, stakeholders and residents. This would ensure that partners could scrutinise, comment and make suggestions for the completed Strategy, prior to its adoption.

Upon approval of the draft Strategy, an eight-week consultation process would begin. The findings of the consultation would be analysed and included when the final Strategy returned to Cabinet for adoption. This Strategy had been set without an end date but would be due for review in three years' time.

Cabinet was aware that following an announcement by the Deputy Prime Minister in February 2025, six new areas had been confirmed to join the Government's Devolution Priority Programme, which included Greater Essex. As such, Mayoral elections would take place in 2026 and in addition, local government reorganisation was likely to be implemented in Greater Essex during the period of this Strategy. In terms of any reorganisation, the Strategy would allow for consistency whilst any new unitary authority considered its health and wellbeing priorities.

The Strategy aligned with partners such as ECC and the Alliance in terms of their emerging place plan approach and supported a wider determinants, prevention and early intervention model. This model recognised the Government's thinking around its 10 Year Health Plan which, as one of the strands included tackling the causes of ill health and therefore was well placed to ensure an ongoing consistent approach was maintained during any period of local government reorganisation.

In order to progress the Council towards the adoption of a strategic approach towards Health & Wellbeing, to support local people and local communities to live healthier, independent and fulfilled lives:-

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

RESOLVED that Cabinet –

- (a) approves the Health and Wellbeing Draft Strategy for public consultation;
- (b) agrees that Officers, in consultation with the Portfolio Holder for Partnerships, initiate a minimum eight-week consultation process and seek stakeholder comment on the Health and Wellbeing Draft Strategy; and
- (c) agrees that following that consultation the final Health and Wellbeing Strategy be presented to Cabinet for its approval and adoption.

135. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.8 - TENDRING CARELINE: DECISION ON THE FUTURE OF THE SERVICE

Earlier on in the meeting, as detailed under Minute 123 above, Councillor P B Honeywood had declared an Interest in this item.

Cabinet considered a detailed report of the Partnerships Portfolio Holder (A.8), which sought the Cabinet's decision on the future of the Council's Careline service having regard to:-

- an updated financial analysis for different options;
- the exploration of proposals from third parties who, through last year's consultation exercise, had expressed an interest in taking on all or part of the service;
- the likely strategic and practical implications of emerging proposals for Devolution and local government reorganisation;
- the aims and objectives of the North East Essex Health and Wellbeing Alliance for an integrated 'place-based' health system approach; and
- the need to ensure best value and quality of service for residents and service-users in the context of an expanding and increasingly competitive private market for telecare, response and lifting services.

Cabinet was informed that the main recommendation within the Portfolio Holder's report was that the Council proceeded, broadly in line with the Cabinet's previously stated preferred option, to withdraw itself from the market for providing telecare, response and lifting services. However, this was proposed to be achieved in a managed way through an arrangement with Colchester City Council's 'Helpline' service (provided through its arms-length company Amphora) to transfer service users and staff on existing or similar

contractual terms and conditions to Colchester Helpline and for it to expand its team, resources and reach to serve the whole of the North East Essex area.

It was reported that this recommendation had been reached following the consideration of revised financial analysis that considered updated assumptions that reflected the significant net reduction in projected cost pressure in continuing to run the Careline service resulting mainly from the termination of the YourStride contract and other unviable third-party contracts. Whilst the updated figures showed a reduction in the projected cost pressure compared to earlier estimates, they still demonstrated the need for significant subsidy from Tendring taxpayers to continue with the Careline service in its current form with a reduced number of staff and against the backdrop of staff recruitment and retention challenges in a widening and increasingly competitive private market for similar telecare services.

Members were made aware that consideration of third-party proposals that had emerged from the consultation process showed that Helpline was best placed amongst others to offer a long-term solution, through an approach that aligned with the aims and objectives of the North East Essex Health and Wellbeing Alliance, to which Tendring District Council was a partner, for an integrated 'place-based' health system approach that supported people to live independently within their homes and reduced pressure on the wider system. This approach also enabled the Council, through its partnership with the Alliance, to retain influence and scrutiny over the way the service was provided in the future, with the benefit of no ongoing financial liabilities and with Helpline being able to operate in a viable manner over a wider geography by achieving economies of scale.

It was also advised that the Council's Out-of-Hours, CCTV and Sheltered Housing monitoring service also formed part of the transfer to Colchester Helpline through an outsourcing arrangement on completion of the current review which had identified many complexities and inter-relationships between Careline, the Out-of-Hours service and other services across the Council. It was suggested that the outsourcing of those Out-of-Hours functions to Helpline, for an annual fee, should also happen within the same timescales for transferring service-users and staff from Careline.

To aid a smooth transition and ensure a maintained quality of service to residents in Tendring, it was proposed that accommodation at Barnes House in Clacton be made available for the running of the expanded Helpline service, on commercial terms, until at least March 2026 - providing a temporary base within the Tendring area to maintain effective response times whilst more permanent long-term arrangements were considered and put in place. The income sought from Helpline for this accommodation could be off-set against the fee payable for the provision of Out-of-Hours coverage and/or any contribution the Council made towards the one-off cost of upgrading and digitisation of service-users' equipment.

Cabinet was cognisant that a significant change to the context of the decision-making process since the previous report to Cabinet in November 2024, was the Government's announcements around devolution and local government reorganisation, which was expected to see the replacement of the two-tier authority structure with a series of new unitary authorities by 2028. The proposals and recommendations set out in the Portfolio Holder's report therefore not only responded positively to the feedback from last year's consultation with service users and other interested parties in ensuring continuity and stability, but they also aligned in practical terms with the direction of travel that local government reorganisation across Essex would introduce. The merging of resources

across Tendring, Colchester and potentially other existing authority areas would be a natural outcome of reorganisation as a means of achieving economies of scale and efficiencies and the recommendations within this report were therefore consistent with that approach.

Members noted that this report included an indicative transition plan outlining the key stages of the transfer process, which would be expanded upon with a detailed transition plan to be agreed and implemented in collaboration with Colchester Helpline. The programme included provision for the Council to continue to procure temporary support from other suitable private third-party telecare providers, on a call-on basis, to provide continuity of service for Careline users over the transition period whilst the transfer to Helpline took place.

Having duly considered all of the information provided within the Portfolio Holder's report including the reasons that lay behind the Portfolio Holder's recommendations to Cabinet:-

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

RESOLVED that Cabinet –

- a) notes the content of the Portfolio Holder's report (A.8), including the updated financial information relating to alternative options for the future of Tendring Careline, updated information on numbers of service-users and staff, the latest position in relation to third-party contracts and the consideration of third-party proposals for taking on all or part of the Careline service;
- b) notes also the latest position in respect of proposals for local government reorganisation across Essex, including the likely replacement of County and District Councils with unitary authorities, and the potential practical implications for services such as Careline in the future;
- c) in light of the information noted as per resolutions a) and b), supports the proposal from Colchester City Council and its Helpline Service (provided through its arms-length company Amphora), based on the outcome of the evaluation set out within the Portfolio Holder's report (A.8);
- d) agrees to the creation of a combined and expanded telecare, response and lifting service for North East Essex that aligns with the aims and objectives of the North East Essex Health and Wellbeing Alliance for an integrated health-system approach; and agrees heads of terms on the following principle conditions:
 - i) it is achieved through the automatic transfer of all remaining Tendring Careline service-users to the service provided by Colchester Helpline on their existing terms of conditions and with no ongoing financial liability to Tendring District Council following that transfer;
 - ii) that Colchester Helpline undertakes to guarantee service coverage to residents across all parts of the Tendring District so as to ensure that no part of the

-
- District is left without access for residents to a paid-for telecare, response and lifting service;
- iii) that Colchester Helpline's existing average response times are maintained and where possible improved upon in providing coverage to residents in all parts of Tendring – with measures put in place, as necessary, for one or more outposts in locations providing accessibility for all parts of Tendring – and at no ongoing cost or liability to Tendring District Council; and
 - iv) that Tendring Careline's existing staff will transfer to employment within the expanded Colchester Helpline, respecting existing terms and conditions and with no ongoing financial liability to Tendring District Council resulting from that transfer.
- e) agrees in principle that the Council's Out-of-Hours, CCTV services and monitoring for the Council's own sheltered housing schemes will also transfer to Colchester Helpline under an outsourcing arrangement within the same timescales for achieving the proposal under resolution d), which will be considered as part of the associated negotiation and subject to separate decision(s) as necessary;
 - f) that the transfer be facilitated, as early and as smoothly as possible within the 2025/26 financial year;
 - g) agrees that, from the date of this decision, any new prospective Careline customers are to be signposted to Colchester Helpline as the Council's preferred alternative trusted provider, in light of the proposal under d) above;
 - h) agrees an extension to the exemption of Procurement Procedure Rules to allow the use of the company Careium for the ongoing provision of casual call-handling support over the period of transition, as required, to ensure continuity of service to remaining service-users during times of staff shortage;
 - i) authorises the Portfolio Holder for Partnerships, in consultation with the Leader of the Council & Portfolio Holder for Finance and Governance; the Director for Planning and Community; the Monitoring Officer; the Section 151 Officer; and the Head of People, to progress and deliver the following:
 - 1) the preparation of a detailed transition plan in collaboration with Colchester City Council and Colchester Helpline, including the associated legal agreement and specific tasks and timescales for the achievement of the proposals under resolutions d) and e), having regard to the broad Indicative Transition Plan outlined within this report;
 - 2) the termination of any remaining third-party customer and supplier contracts with Tendring Careline;
 - 3) the entering into contracts with one or more suitable third-party providers of telecare, response and/or lifting services to call upon additional staffing resource during the period of transition to ensure continuity of service to remaining service-users and to provide additional resources as required;

- 4) the agreement with Colchester Helpline for the use of accommodation at Barnes House, on a short-term lease and on commercial terms, for use as a temporary outpost for the provision of the expanded North East Essex service while a permanent location is sought;
 - 5) the agreement to any financial contribution towards the upgrading of all existing Tendring Careline service users to digital equipment either before or after the transfer to Colchester Helpline – utilising a proportion of the agreed implementation budget; and
 - 6) the utilisation of the remainder of the implementation budget, as appropriate, for purposes relating to the achievement of the proposals under resolutions d) and e).
- j) confirms that all efforts will be put in place to work constructively with Helpline to support service users through a smooth and timely transfer to the expanded North East Essex service and that for any service users that wish to 'opt out' of an automatic transfer, support will be provided in signposting them to other alternative providers;
- k) confirms that the Council will continue to support affected staff through the transition to the expanded North East Essex Helpline service; and
- l) agrees that the costs associated with these resolutions is met from within existing budgets, including the one-off implementation budget amount of £0.746m, and that the use of these budgets is delegated to the Director (Planning and Community), in consultation with the Leader of the Council & Portfolio Holder for Finance and Governance and the Portfolio Holder for Partnerships.

136. MANAGEMENT TEAM ITEMS

There were no matters referred to the Cabinet by the Council's Management Team on this occasion.

The Meeting was declared closed at 11.53 am

Chairman

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CABINET

17 MARCH 2025

REFERENCE FROM THE STANDARDS COMMITTEE

A.1 REVISED PLANNING PROBITY PROTOCOL

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendations made by the Standards Committee in relation to a revised Planning Probity Protocol and sundry other related matters.

EXECUTIVE SUMMARY

The Standards Committee, at its meeting held on 5 February 2025 (Minute 34 refers), the Committee decided, inter alia, to recommend to full Council that:-

- (1) the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) be adopted and incorporated into the Council's Constitution;
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

Cabinet is now requested to consider the recommendations put forward by the Standards Committee.

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendations of the Standards Committee arising from its meeting held on 5 February 2025, Cabinet recommends to Full Council that:-

- (1) the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;**
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and**
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.**

BACKGROUND

The Standards Committee ("the Committee"), at its meeting held on 5 February 2025 (Minute 34 refers), had considered the Monitoring Officer's report (A.1) that had presented the updated revised version of the Planning Probity Protocol, following consultation with the

members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It had been reported that some themes emerging from that consultation were:-

- *the concept of Bias needed to be stronger.*
- *stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.*
- *importance of seeking advice earlier.*
- *a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.*
- *the importance of Member Training needed to be stressed within the Planning Probity Protocol.*
- *stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and*
- *site visits section needed to be stronger relating to the exceptional circumstances.*

The Committee had been made aware that the outcome of the consultation was set out in detail in Appendix B of the Monitoring Officer's report. In addition, it had been considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was relevant.

It had been **RESOLVED** that the Standards Committee –

- (a) notes the outcome of the consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution;
- (c) subject to (b) includes an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed seniority of Officers and all Officers within Planning and Legal Services personal planning applications to be referred to the Planning Committee; and
- (d) subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

The Council's Monitoring Officer has been thoroughly involved throughout this review and this report's recommendations together with the revised Protocol reflect her input and advice.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Standards Committee held on 5 February 2025 have been referred to in the preparation of this report.

APPENDICES

Report and its Appendices (A.1) of the Monitoring Officer submitted to the Standards Committee at its meeting held on 5 February 2025.

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STANDARDS COMMITTEE

5 FEBRUARY 2025

REPORT OF THE MONITORING OFFICER

A.1 PLANNING PROBITY PROTOCOL – RESULTS OF CONSULTATION AND REVISED PLANNING PROBITY PROTOCOL

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report is submitted to the Committee to enable it to consider the Planning Probity Protocol following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons. This report also sets out the outcome of the consultation and a revised Planning Probity Protocol for approval and recommendation to Full Council for its adoption.

EXECUTIVE SUMMARY

This report presents the updated revised version of the Planning Probity Protocol, as set out in Appendix A, following a consultation with the members of the Planning Committee, Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

Some themes from the consultation were:

- The concept of Bias needs to be stronger.
- stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.
- importance of seeking advice earlier.
- a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.
- the importance of Member Training needed to be stressed within the Planning Probity Protocol.
- stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and
- site Visits section needed to be stronger relating to the exceptional circumstances.

The outcome of the consultation is set out in detail in Appendix B. In addition, it was considered necessary to include some text around the Protocol on Member and Officer Relations, as this had been omitted in the first review and is relevant.

RECOMMENDATION(S)

It is recommended that the Standards Committee:

- (a) notes the outcome of the consultation with members of Planning Committee, Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution;
- (c) subject to (b) includes an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed seniority of officers and all officers within Planning and Legal Services applications to be referred to the Planning Committee; and
- (d) subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol, forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

REASON(S) FOR THE RECOMMENDATION(S)

In order to enable the Planning Probity Protocol to be adopted by Full Council.

ALTERNATIVE OPTIONS CONSIDERED

Not to proceed further with the review. However, this would equate to a missed opportunity to refresh the Protocol and to produce a more user-friendly document following recognised best practice.

The outcome of any request for Devolution or Local Government Reorganisation should not have an impact on this review, so as to ensure the Council is continuing to demonstrate good governance.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Members' Planning Code and Protocol forms part of the Council's Constitution in Part 6 and demonstrates effective and positive Governance arrangements and promotes the maintenance of integrity, both real and perceived within the Planning Committee's decision making as well as high standards of conduct.

The Council has approved and adopted a Local Code of Corporate Governance, which is consistent with the principles of the **CIPFA / SOLACE *Delivering Good Governance in Local Government Framework (2016 Edition)***. The principles and standards set out in the 2016 Framework are aimed at helping local authorities to develop and maintain their own codes of governance and discharge their accountability for the proper conduct of business.

The first principle of the CIPFA/Solace Framework – Principle A expects local government to give on-going assurance (through its Annual Governance Statement) that it is “*Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law*”.

The Role of the Standards Committee within the governance environment is to:

- Promote and maintain high standards of conduct
- Develop culture of openness, transparency, trust and confidence
- Embed a culture of strong ethical and corporate governance

Corporate governance is about how we ensure that we are doing the **right** things, in the **right** way, for the **right** people in a timely, inclusive, honest and accountable manner.

Keeping under review and updating its protocols demonstrates the Council’s commitment to ensuring good governance sits at the core of its arrangements and culture.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

- The determination of a planning application is a formal administrative process involving:
 - the application of national and local planning policies
 - reference to legislation, case law and rules of procedure
 - rights of appeal and an expectation that local planning authority will act transparently, reasonably and fairly
- In making any determination under the Planning legal framework, Members of the Council sitting on the Planning Committee should ensure decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) – these provisions also apply to appeals). Members must do so by balancing the needs and interests of the whole community and of individual constituents, alongside the need to maintain an ethic of impartial decision making on what may be highly controversial proposals.
- Planning Probity Protocols aim to ensure that in the planning process there are no grounds for suggesting that a decision is biased, is not impartial or not well founded in any way.
- Planning legislation and guidance can be complex. The Local Government Association, the Committee for Standards on Public Life and the Royal Town Planning Institute all recommend Members who have to make planning decisions should be specifically trained and provided with general guidance for Planning in Probity.
- The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 14 of the Framework](#). If decision takers choose not to

follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

Challenges to Local Planning Authority decisions is via a Judicial Review which is defined in Part 54 of the Civil Procedure Rules as the process by which the court will review the lawfulness of an enactment, decision, action or failure to act in relation to the exercise of a public function. This often relates to planning decisions and actions by local planning authorities (LPAs) and the Secretary of State, which can be challenged in the courts by way of judicial review if the decision made was unlawful.

The focus of the judicial review is to consider the legality of how a decision was made or action was taken by a public body in the exercise of a public function. Judicial review cannot be used to review the merits of a decision.

In principle, judicial review can be used to challenge any act or omission by a public body, whereby the decision made is in the “public interest”. A judicial review claim will seek to demonstrate that the public body’s action falls within one or several of the below heads of claim:

- **Illegality** – where the decision-maker has failed to understand correctly the law that regulates its decision-making power and/or has failed to give effect to it.
- **Irrationality** – where a decision is so outrageous in its defiance of logic or of accepted moral standards that no sensible person giving due consideration to the matter in question could have arrived at such a result.
- **Procedural Impropriety** – (also referred to as a breach of natural justice), where, in making a decision, basic rules of natural justice were ignored, or where there was a failure to act with procedural fairness towards a person or to observe procedural rules that are expressly laid down by legislative instrument.

Common grounds for judicial review planning claims:

- Misinterpretation or misapplication of policy – A failure to correctly interpret and/or apply planning policy. This is usually formulated as an irrationality or illegality challenge. A decision-maker will open themselves up to challenge if they have failed to regard a policy in the development plan which is relevant to the application or have failed to properly interpret it.
- Material considerations – Failure by a decision-maker to have regard to a material planning consideration or the taking into account of a consideration which is not a material planning consideration. Such a ground is usually formulated as an illegality challenge, on the basis that it constitutes an error of law. A variant of this is the allegation that a decision-maker was misled by the planning officer about material considerations, often due to an unclear report or advice to the council which fails to understand the important issues that bear on the decision.
- Failure to give reasons/inadequate reasons – A failure to give reasons for a planning decision where required by statute or by the common law, and/or the inadequacy of reasons given for a decision. This is usually formulated as a procedural impropriety or illegality challenge.
- Failure to comply with EIA Regulations, SEA Regulations and/or Habitats Regulations – Where a decision has an environmental impact, it may be that the decision-maker failed

to comply with a particular aspect of the legislative regime requiring environmental impact assessment, strategic environmental assessment and/or habitats regulations assessment. A challenge of this nature usually falls under the irrationality standard.

Consequently, a Planning Probity Protocol is intended as guidance and a statement of good practice for all councillors and officers involved in the administration or operation of the planning process (including planning enforcement).

The Council's Constitution requires Members of the Planning Committee to have undertaken mandatory training with regards to the determination of the planning applications (Council Procedure Rule 33.3 – Part 4.29) and it is considered by the Monitoring Officer, that training on the Planning Probity Protocol would form part of this mandatory training.

FINANCE AND OTHER RESOURCE IMPLICATIONS

None associated with the content of this report.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council's decision making:

- A) *Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- B) *Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
- 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.*

As such, set out in this section the relevant facts for the proposal set out in this report.

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;	N/A
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Key messages from local government failures include the absence of the right culture and understanding of the Nolan Principles and the need for greater transparency in decision making. The proposed Planning Probity Protocol builds on the Council's existing culture of embedding the Nolan Principles within the way services are delivered, and decisions are made.
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.	N/A

MILESTONES AND DELIVERY

Standards Committee 19 July 2023 – Agreed to undertake review.

Standards Committee 24 October 2024 – Considered the outcome of the review and make recommendations to Full Council.

Planning Probity Protocol discussion 22 January 2025 – Undertook consultation with Members of the Planning Committee, Portfolio Holder for Housing and Planning, Planning Officers and Independent Persons.

Standards Committee 5 February 2025 – Report outcome of consultation for consideration of recommendation onto Full Council.

Full Council 25 March 2025 – Council considers and adopts the proposed new Planning Probity Protocol.

ASSOCIATED RISKS AND MITIGATION

The Council must ensure that any Codes and Protocols which provide guidance for Councillor are up to date with current policy, legislation, case law, good practice and national guidance. The current Members' Planning Protocol was last reviewed in 2023, prior to this review, following the LGA's publication to minimise any risk that the Council's practices were not up to date. Up to date guidance and easy to follow, prevents confusion and legal challenges by way of judicial review to planning decisions based on failure to declare interests, predetermination or bias.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The draft Planning Probity Protocol submitted to the Committee at its meeting of 24 October 2024 was subject to consultation with the Members of the Planning Committee, Portfolio Holder for Housing and Planning, Planning Officers and Independent Persons.

The outcome of the consultation is set out in Appendix B.

EQUALITIES

Part of the review of the Planning Probity Protocol has been to ensure that it meets the requirements of the Public Sector Equality Duty in that the Council must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, sex orientation.

SOCIAL VALUE CONSIDERATIONS

Not applicable to this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
Not applicable to this report.	
OTHER RELEVANT 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	None.
Health Inequalities	None.
Area or Ward affected	All.
ANY OTHER RELEVANT INFORMATION	
<p>In undertaking the review, the LGA's Planning Advisory Service (PAS) guidance on Planning Committee Protocols has been considered, which outlines some of the best practice across the country. The LGA's Probity in Planning guidance suggests individual Planning Codes and Protocols are produced. Tendring District Council's current Members' Planning Code and Protocol followed the format of the Lawyers in Local Government (LLG) Members Planning Code of Good Practice, which has recently been reviewed but with little amendments. Looking to undertake thorough research over the suggested best practice of other Councils, a new document for Tendring District Council was produced and consulted on.</p>	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>In December 2019, the Local Government Association (LGA) issued its Probity in Planning Guidance – Advice for Councillors and Officers making planning decisions. The Standards Committee agreed through its work programme to review the Council's Planning Code & Protocol following the LGA publication.</p> <p>Following the 2020/21 review no further changes were suggested as a result of the LGA's guidance however, additional wording was recommended to cover situations when it is not possible to undertake Site Visits and to clarify this does not impact upon the Planning Committee's ability to determine planning applications.</p> <p>At its meeting held on 19 July 2023, the Committee decided amongst other things that a review of the Council's Planning Code and Protocol be carried out to ensure it was adhering to best practice and easy to follow. The review conducted has researched the various examples suggested by Planning Advisory Service (PAS) as best practice and the outcome has resulted in a revised approach with the first step being to refer the document as the 'Planning Probity Protocol'. This also aligns with the Planning Probity Protocol adopted for the Tendring Borders Garden Community Joint Committee.</p> <p>A report to the Standards Committee in October 2024 set out initial proposals following a</p>

review by the Monitoring Officer and following consideration by the Committee it was agreed to consult with members of the Planning Committee, Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons on the draft revised Planning Probity Protocol.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Standards Committee 19 July 2023 – Minute 6

“RESOLVED that –

(a) the contents of the Monitoring Officer’s Report and the fact that the Site Visit procedure was included within the recent mandatory training to Planning Committee Members, their substitutes and that this was available to all Members of the Council, be noted;

(b) the different approach adopted for the Planning Probity Protocol for the Tendring Colchester Borders Garden Community Joint Committee, and that the Planning Advisory Service suggests some best practice for Planning Committee Protocols following the LGA’s Probity in Planning Guidance, be also noted; and

(c) a review of the Council’s Planning Protocol be carried out to ensure that it is adhering to best practice and easy to follow.”

Standards Committee 24 October 2024 – Minute 26

“RESOLVED that –

(a) the outcome of the review of the Planning Protocol carried out by the Monitoring Officer and her team be noted;

(b) approves that consultation be undertaken on the draft revised Planning Probity Protocol, as amended at the meeting; and

(c) the outcome of the consultation be submitted to the Standards Committee for its consideration prior to recommendation on to Full Council for adoption.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

[Report Template Part A](#)

[Minutes Template](#)

[Part 6 Codes and Protocols - Codes and Protocols](#) – Part 6.49 – 6.58

[A2 Appendix A - LGA Probity in Planning December 2019.pdf](#)

[Planning Committee Protocols | Local Government Association](#)

[LLG background paper.pdf](#)

[Standards Committee Report - 24 October 2024](#)

APPENDICES

Appendix A: New revised TDC Planning Probity Protocol – following consultation.

Appendix B: Consultation responses.

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	Lisa Hastings Joanne Fisher Bethany Jones
Job Title	Director (Governance & Legal) Planning Solicitor Committee Services Officer
Email/Telephone	lhastings@tendringdc.gov.uk / 01255 68 6561 jfisher@tendringdc.gov.uk / 01255 68 6578 bjones@tendringdc.gov.uk / 01255 68 6587

CONSTITUTION OF THE DISTRICT OF TENDRING

Part 6 – Planning Probity Protocol

Contents:

- 1 Introduction
- 2 General role and conduct of Members and Officers
- 3 Relationship to Members' Code of Conduct
- 4 Applications submitted by the Council, Members or Officers
- 5 Member training
- 6 Predisposition, predetermination and bias
- 7 Contact with Applicants, Developers and Objectors
- 8 Lobbying of and by Members
- 9 Site Visits/Inspections
- 10 Post-submission discussions
- 11 Public Speaking at Meetings
- 12 Reports and Decision Making
- 13 Planning appeals
- 14 Planning enforcement

1 INTRODUCTION

- 1.1 This Planning in Probity Protocol ("Protocol") has been prepared using the advice in the Local Government Association's revised guidance note on good planning practice for Members and Officers dealing with planning matters – Probity in Planning: the Role of Councillors and Officers (December 2019).
- 1.2 **The aim of this Protocol:** To ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.3 **The key purpose of planning:** *"the purpose of the planning system is to contribute to the achievement of sustainable development"* (para 7 of the National Planning Policy Framework (NPPF)). Planning matters have a significant impact on our lives and the area where we live, work or play. Consequently, planning attracts a great deal of public and media interest. It is important that the system operates, and is seen to be operated, in an honest, open and transparent manner.
- 1.4 **Your role as a Member of the Planning Committee:** To make planning decisions openly, impartially, with sound judgement and for justifiable planning reasons.
- 1.5 **When the Protocol applies:** This Protocol applies to Members at all times they are involved in the planning process. This includes, where applicable, when part of decision-making meetings of the Council, exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications. If you have any doubts about the application of this Protocol to your own circumstances you should seek advice early, and

APPENDIX A

preferably well before any action is taken, site visits undertaken or formal committee meeting takes place, from the Monitoring Officer.

- 1.6 In this Protocol when the term “Councillor” or “Member” is used it means that the advice is applicable to all Members of the Council. The term “Planning Committee Member” means a Member or a substitute Member of the Council’s Planning Committee.
- 1.7 **Relationship to the Members' Code of Conduct:** Members are reminded that the Planning Probity Protocol is designed primarily for Members of the Council’s Planning Committees and Members who, for whatever reason, find themselves involved in the planning process. Whilst the Protocol interprets the Members’ Code of Conduct with respect to planning matters, it is subordinate to the Members’ Code of Conduct and in the event of any inconsistencies arising between this Protocol and the Members’ Code of Conduct, the Members’ Code of Conduct shall prevail.

[NOTE: THE ABOVE IS UNDER REVIEW]

2 GENERAL ROLE AND CONDUCT OF MEMBERS AND OFFICERS

Introduction:

The Council has adopted a Protocol on Member and Officer Relations, which is contained within the Constitution in Part 6. The success of the Council is greatly dependent upon the positive nature of the working relationship between Members and Officers. Mutual trust and respect between both Members and Officers are essential to good local government.

The purpose of the **Protocol on Member and Officer Relations** is to provide a guide to good working relationships between Members and Officers, defining their respective roles and outlining the principles that underpin their relationship.

The protocol also builds on the respective Codes of Conduct for both Members and Officers and through this promotes the maintenance of integrity, both real and perceived, of the Council as well as very high standards of personal conduct.

The Underpinning Principles of working relationships are set out below and to be followed by both Members and Officers in fulfilling their duties:

- Mutual respect and courtesy between Officers and Members;
- An awareness of each other’s responsibilities and duties;
- No inappropriate criticism, intimidating behaviour, or the creation of a threatening work environment of any kind from either Members or Officers;
- Any appropriate challenges are to be conducted in a professional and respectful manner;
- Equal treatment, regardless of personal or political opinion (actual or perceived);
- An adherence to the law and the lawful instructions and advice of others;
and

APPENDIX A

- An avoidance of close personal familiarity.

The above principles are designed to foster the good working relationships between Officers and Members that are essential to effective decision making and the delivery of services.

OFFICERS:

- 2.1 The function of Officers is to support and facilitate the Councillors in their work and to ensure that robust and lawful decisions are made. Planning decisions must be made in accordance with the Local Plan and other material planning considerations (section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 2.2 The Director of Planning & Communities makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee.
- 2.3 Planning Officers will provide professional advice and must provide Planning Committee Members with an Officer's recommendation on whether or not planning permission should be granted, based on the Planning Officer's assessment.
- 2.4 In considering applications and in advising members of the public on planning policy, the determination of planning applications, enforcement and other planning matters, Officers must:-
 - act fairly and openly and avoid any actions that would give rise to an impression of bias;
 - avoid inappropriate social contact with applicants and their agents, objectors and other interested parties;
 - approach each planning application or issue with an open mind, avoiding preconceived ideas;
 - carefully weigh up all relevant planning issues before making a decision;
 - make decisions and recommendations purely on planning grounds having regard to the Local Plan and other material considerations;
 - give professional, objective and consistent advice; and,
 - carry out the decisions of the Committee insofar as they relate to the completion of any legal agreement, or instigation or defence of proceedings.

PLANNING COMMITTEE MEMBERS:

- 2.5 In return Planning Committee Members must adhere to paragraph 1.2 of the Members' Code of Conduct and treat local authority employees (officers) and representatives of partner organisations and those volunteering for the Council with respect and respect for the role they play.
- 2.6 The Code of Conduct states "*Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but*

APPENDIX A

civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack".

- 2.7 The relationship between officers and members during the Planning Committee meeting should be based on mutual respect and courtesy, recognising that Officers are in attendance to assist Planning Committee Members answering questions, to enable them to make their decision. Officers are not in attendance to be cross examined or subject to inappropriate criticism.

3 RELATIONSHIPS TO MEMBERS' CODE OF CONDUCT

- 3.1 The rules contained in the Members' Code of Conduct must always be complied with first. These are both the rules on Disclosable Pecuniary Interests (DPIs) and any other interests identified by the Council, and the general rules and obligations giving effect to the Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

- 3.2 **Do** then apply the rules in this Protocol, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Protocol, you may:

- put the Council at risk of proceedings on the legality of the related decisions or maladministration;
- undermine the integrity of such important decision making and reduce public trust and confidence; or
- put yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the Police to consider criminal proceedings.

3.3 DECLARATIONS OF INTERESTS & IMPACT ON PARTICIPATION

The Council's Members' Code of Conduct sets out requirements for Members on declaring Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests and the consequences on participation of having such an interest. These must be followed scrupulously, and Members should review their situation regularly and ensure they understand their requirements under the Code of Conduct with regards to the provisions on Interests. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.

A Planning Committee Member with a Disclosable Pecuniary Interest (as described in Appendix B to the Members' Code of Conduct), in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. He or she should leave the room before the item is considered. Failure to do so could result in a criminal offence being committed.

The responsibility for this rests with each Planning Committee Member, who should understand if they have an interest before the Planning Committee meeting takes place. Advice can be obtained in advance from the Monitoring

APPENDIX A

Officer or their Deputy if required, in advance of a Planning Committee meeting. Ideally advice should be requested in good time, and not just before the start of the Committee meeting, as it may not be possible to provide a response immediately before the meeting is due to start. It is considered unsatisfactory if a Planning Committee Member asks for guidance in the course of a debate.

3.4 **Do** disclose the existence of the Interest providing a full explanation of its nature and impact; and

3.5 **Do take into account when approaching a decision that the principle of Integrity (one of the Nolan Principles in Public Life) is defined as**

*“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. **They must declare and resolve any interests and relationships”.***

3.6 It is therefore advisable that Members:

- (i) Note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate Officer, in person or in writing, but that your role as a Councillor and/or Planning Committee Member may place additional limitations on you in representing the proposal in which you have an interest.
- (ii) Notify the Monitoring Officer in writing where it is clear to you that you have a Disclosable Pecuniary Interest, Other Registerable Interest, Non-Registerable Interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of that application where you can;
 - the proposal will always be reported to the Planning Committee as a main item and not dealt with by Officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable (but not mandatory) that you employ an agent to act on your behalf in respect of the proposal when dealing with Officers and in public speaking at Planning Committee.

4 APPLICATIONS SUBMITTED BY THE COUNCIL, MEMBERS OR OFFICERS

4.1 The Planning Committee Terms of Reference (as set out in Part 3 of the Constitution) requires that the following Planning Applications are referred to the Planning Committee for determination:

- a) the applicant is the Council or someone acting as applicant on the Council's behalf or in respect of Council owned land unless the application is recommended for refusal; and
- b) the applicant is a Member of the Council, or a member of permanent staff employed by TDC and there is an Officer recommendation for approval.

APPENDIX A

- 4.2 In respect of Officers, it is suggested that this should apply to the Council's Senior Managers, as determined by the individual services, and all Officers within Planning and Legal Services.

5 MEMBER TRAINING

- 5.1 A Member (or designated named Substitute Member) cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications (Part 4 of the Constitution - Council Procedure Rules). This training is essential for both exercising committee functions and also complying with this Protocol.
- 5.2 Being a member of the Planning Committee can be a difficult role to carry out. The Council provides training for Councillors on the determination of planning applications at least once a year, and this is a mandatory requirement to sit as a member of the Planning Committee (Council Procedure Rules). The Council also aims to provide more specialist training throughout the year to update knowledge, cover specific topics, appeal decisions, new legislation, guidance and policy, and to generally look at matters in greater depth. Current Planning Committee Members (which includes designated named Substitute Members, see paragraph 1.6) should attend all planning training events arranged by the Council. It is open to all other Councillors to attend these training sessions however, where places are limited, current Planning Committee Members and named Substitute Members of the Planning and/or Planning Policy and Local Plan Committees will take priority.
- 5.3 **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- 5.4 **Do** attend all planning training including specialised training sessions provided and arranged by the Council under a continuing programme either because the topic has been designated mandatory for Planning Committee Members (and designated named Substitute Members) or to assist you in the functions of the Planning Committee. This training is designed to extend your knowledge of planning policy, law, regulations, procedures, Codes of Practice and the Development Plans and thus assist you in carrying out your role properly and effectively.
- 5.5 Organised training provides opportunities to review a sample of planning decisions as to ensure that Planning Committee Members' judgements have been based on proper planning considerations.

6 FETTERING DISCRETION IN THE PLANNING PROCESS

PREDISPOSITION, PREDETERMINATION AND BIAS

- 6.1 In addition to declaring Disclosable Pecuniary interests, Other Registerable Interests and Non-Registerable Interests, members of a Planning Committee need to avoid any appearance of bias or of having predetermined their view at the time of making a decision on a planning application.
- 6.2 The law on **bias and predetermination** (which is a particular form of bias) is part of the general legal obligations on public authorities to act fairly and the existence of such can result in an unlawful decision being made and subject to

APPENDIX A

judicial review. Decision makers are entitled to be **predisposed** to particular views.

PREDISPOSITION

- 6.3 A distinction is drawn by the Courts between a Councillor having clearly expressed an intention to vote in a particular way before a meeting (pre-determination) and a predisposition to an initial view. Where the Councillor is clear they have an open mind and are willing to listen to all the material considerations presented at the Planning Committee before deciding on how to exercise their vote, there is no predetermination.

BIAS

- 6.4 Councillors should not participate in the consideration of a planning application if to do so would give the appearance of bias (actual or perceived), and the decision may be challenged on the grounds of bias in the High Court. **The test for bias is: “*Would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?*”**

It is not the Councillor’s view of whether they are biased that is relevant but the view of the independent observer. Perception is important and can lead a fair-minded observer to consider that there is a real possibility of bias, they should not participate in making the decision and should withdraw from the room (or virtual meeting where appropriate). Further, Councillors do not have to have a personal interest in order to come within the definition of bias. The Courts have held that it is primarily a matter for the Councillor to judge whether to withdraw but given the scope for challenge the Councillor should always err on the side of caution. Whilst not every application will raise the question of bias, there will be occasions when a member of the public in possession of all facts might consider that there is a real risk of bias. In these circumstances, the Councillor should seek advice from the Monitoring Officer, their Deputy or a legal adviser to the Planning Committee.

PREDETERMINATION

- 6.5 **Predetermination occurs where someone closes their mind to any other possibility beyond that predisposition**, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision. The leading case on local authority bias and predetermination acknowledges the difference between Judges sitting judicially and Councillors making decisions in a democratic environment. Given the role of Councillors, there must be ‘clear pointers’ before predetermination is established. Where there is predetermination, the Councillor should not participate in the consideration of a planning application.
- 6.6 The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a “closed mind” and likely to leave the Planning Committee’s decision susceptible to challenge by Judicial Review. The latter is the perfectly normal process of someone making up their mind.

- 6.7 **EXAMPLE:** a Councillor who states, “Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the

APPENDIX A

committee” will be perceived very differently from a Councillor who states, “Many people find windfarms ugly and noisy, and I will need a lot of persuading that any more windfarms should be allowed in our area”. The former has a closed mind and is predetermined, whereas the latter is predisposed but is maintaining an open mind.

6.8 The following diagram is produced to help Councillors appreciate the range of circumstances (the following is guidance only; any specific questions should be raised with the Council’s Monitoring Officer):

Lawful	No view	
	Predisposition	<ul style="list-style-type: none"> ● Manifesto pledges/commitments ● Policy making and setting
Unlawful	Predetermination	<ul style="list-style-type: none"> ● Clearly expressed intention to vote in a particular way on an individual application whatever the information provided
	Bias	<ul style="list-style-type: none"> ● Membership of an organisation that supports or opposes particular developments or development types

PARTICIPATING IN DECISION MAKING

6.9 Councillors are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under Section 25 of the Localism Act 2011. The Section provides

- (1) Subsection (2 - below) applies if—
 - (a) as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and
 - (b) it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision.

- (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—
 - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
 - (b) the matter was relevant to the decision.

The Section makes it clear that if a Councillor has given a view on an issue, this, considered in isolation, does not show that the Councillor has a closed mind on that issue. So, the mere fact that a Councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that Councillor from being able to participate in discussion of that issue and to vote on it.

APPENDIX A

- 6.10 However, decision-makers must not fetter their discretion by approaching the decision to determine a planning application with a closed mind or exhibiting bias. It is a legal requirement to approach the determination of a planning application with an open mind to prevent a legal challenge for pre-determination or bias (both being judicial review grounds in administrative law).
- 6.11 When Planning Committee Members come to make the decision, they:
- should not take part if they are biased or to take part would give the appearance of bias (see paragraph 6.4 for an explanation of bias),
 - are entitled to have and to express their own views on the matter, provided they are prepared to reconsider their position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before them, both the Officers' presentation of the facts and their advice as well as the arguments from all sides;
 - are not required to cast aside views on planning policy held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take account of material planning considerations and must disregard considerations irrelevant to the question and legal context at hand;
 - must be prepared to change their view right up to the point of making the decision; and
 - come to a decision after giving what they feel is the right weight to those material planning considerations.
- 6.12 Councillors can listen to applicants and objectors, and indicate their view, but must not give the perception that they are biased in their consideration of their issues. Councillors can support or oppose an application and represent the views of their residents in their role as a Ward Councillor. To do so as a Planning Committee Member MIGHT compromise their role on the Committee and Councillors must seek advice from the Monitoring Officer, their Deputy or the legal adviser to the Planning Committee.
- 6.13 A Planning Committee Member should take the opportunity to exercise their separate speaking rights as a Ward Member where you have represented your views or those of local electors and fettered your discretion, but do not have a Disclosable or other personal conflict of interest (see paragraph 6.14 in respect of Interests). Where you do:
- advise the Committee Officer or the Chairman that you wish to speak in this capacity at the Declaration of Interests part of the agenda and before commencement of the item and in accordance with the Public Speaking Scheme;
 - remove yourself from the seating area for Members of the Planning Committee for the duration of that item;
 - take a seat in the public gallery and address the Members of the Planning Committee when invited to in accordance with the Public Speaking Scheme

APPENDIX A

- you may remain in the public gallery for the duration of the item as you are representing the Ward; and
- ensure that your actions are recorded within the minutes.

6.14 If a Planning Committee Member has a Disclosable or other personal conflict of interest under the Members' Code of Conduct, they may exercise their speaking rights as a Ward Member only with a dispensation from the Council's Monitoring Officer. In these circumstances, all of the bullet points in paragraph 6.13 apply however, in respect of bullet point 4, they must withdraw from the meeting room once they have addressed the Planning Committee in accordance with the Public Speaking Scheme.

7 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

7.1 Planning Committee Members must refer those who approach them for planning, procedural or technical advice to Officers.

7.2 Planning Committee Members must only attend private meetings organised in accordance with this Protocol and must not attend private meetings with applicants, developers or groups of objectors. To do so could result in a finding of bringing the Council into disrepute and breaching paragraph 5 of the Members' Code of Conduct.

7.3 Where you feel that a formal (private) meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Director of Planning and Communities or Head of Planning and Building Control to organise it. The Officer(s) will ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the meeting is properly recorded on the public file at the earliest convenience. In all cases, the involvement of Councillors will be recorded in any subsequent planning application, whether in any delegated report or in any Committee report.

7. **Do otherwise:**

- follow the Authority's rules on lobbying (see Section 8 of this Protocol);
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Head of Planning and Building Control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

IN ADDITION, IN RESPECT OF PRESENTATIONS BY

APPLICANTS/DEVELOPERS 7.5 A public presentation arranged by the applicant/developer is not part of the formal process of debate and determination of the subsequent planning application. However, where an applicant has arranged a public presentation for a proposal (prior to or following the submission of an application), a Planning Committee Member may attend that public meeting if they consider that they would find this helpful to understand the proposal.

APPENDIX A

In attending a public presentation, Planning Committee Members must be careful with behaviors and not place themselves in a situation which could be perceived as giving a view on the application (or proposed application).

If they wish to subsequently take part in the decision making of the application for the proposal, they must not enter into any discussions with the applicant, their agent or any member of the public present at the meeting to avoid being lobbied and to avoid allegations of pre-determination and/or bias. When attending, the Planning Committee Member must adhere to the general rules and obligations as set out in their Members' Code of Conduct, giving effect to the Seven Principles of Public Life (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership), and the rules on lobbying set out in Section 8 of this protocol.

If you decided to attend a public presentation you must declare this at the meeting for openness and transparency, explain the purpose of your attendance and what action was taken, including if you were approached as this would be regarded as lobbying. This information will be recorded in the minutes and acts as a record.

7.5 **Don't** attend a planning presentation without requesting an Officer to be present.

7.6 **Do** otherwise:

- ask relevant questions for the purposes of clarifying your understanding of the proposals.
 - remember that the presentation is a form of lobbying and not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Planning Committee of the Planning Authority.
 - be aware that as the presentation is a form of lobbying so avoid placing yourself in a situation which could be perceived as giving a view on the application, or enter into any discussions with the applicant, their agent or any member of the public present at the meeting to avoid being lobbied and to avoid allegations of pre-determination and/or bias.
 - follow the Authority's rules on lobbying.
-
- report to the Head of Planning and Building Control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file;
 - when the application is being considered under the Declaration of Interests item on the agenda and in the interest of openness make the necessary declarations at the Planning Committee that you have been lobbied on a particular matter by attending a presentation and state whether you are pre-determined or not

8 LOBBYING OF AND BY COUNCILLORS

8.1 Lobbying is a normal and perfectly proper part of the political process. Members of the public, applicants or local interest groups will often seek to influence a decision through an approach to their Ward Member. In the case of a Planning Committee

APPENDIX A

Member, care needs to be taken to avoid the perception of bias or predetermination of any planning matter.

- 8.2 A Planning Committee Member should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said (or read what is put in writing and sent to them), it may subsequently prejudice their impartiality and ability to participate in the Committee's decision-making, if they are asked to express either an intention to vote one way or another or such a firm point of view that amounts to the same thing.
- 8.3 Planning Committee Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the sitting of the determining Committee.
- 8.4 Planning Committee Members should therefore:
- suggest to lobbyists that they write to the Director of Planning and Communities in order that their views can be included in the Officer reports prepared for determination under delegated powers or by Committee;
 - pass on any lobbying correspondence received (including plans, data, correspondence etc. in respect of an application) to the Director of Planning and Communities or email PlanningSupport&Development@tendringdc.gov.uk as soon as practicably possible so that it can be taken into account and included in the report on the application;
 - remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and, taking account of the need and duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
 - not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is entirely unavoidable, ensure that they comply with the provisions in the Members' Code of Conduct on gifts and hospitality; and,
 - inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up where necessary.
- 8.5 Planning Committee Members should note that, subject to the requirements to ensure that Members comply with the Members' Code of Conduct and the rules regarding bias and pre-determination and ensure that they take appropriate action in relation to Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests, they are not precluded from:
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, or other Members or appropriate Officers, provided they do not consist of or amount to predetermination or bias and they can make clear they are keeping an open mind when it comes to making the decision;
 - seeking information through appropriate channels; or,
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided that under the Declaration of Interests item on the agenda they explain their actions and make it clear that, either (a) having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate (they are not pre-determined); or (b) state that they wish to exercise

APPENDIX A

their separate speaking rights on the application as a Ward Member, following the procedure set out in paragraphs 6.13 or 6.14 as appropriate.

- 8.6 In the interest of openness, it is recommended that Planning Committee Members must make the necessary declarations that they have been lobbied on any particular matter at the Committee when the application is being considered under the Declaration of Interests item on the agenda.
- 8.7 Planning Committee Members should not become a member of, lead or represent a national or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Planning Committee Member does, he/she may appear to be biased
- 8.8 Whilst Planning Committee Members may be able to address the Committee as a Ward Member or an objector, they are not able to participate or vote on any matter in respect of which they have a disclosable pecuniary interest unless they have received a dispensation for this purpose (see paragraph 6.14).
- 8.9 Planning Committee Members can join general groups which reflect their areas of interest, and which concentrate on issues beyond particular planning proposals, but they should disclose a personal interest where that organisation has made representations on a particular proposal. A Planning Committee Member should make it clear to that organisation and the Planning Committee that they have reserved judgement and the independence to make up their own mind on each separate proposal.
- 8.10 Members should not excessively (*) lobby Planning Committee Members regarding their concerns or views on a planning application, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

(*) Members are entitled to lobby however, this should not be more than is necessary or normal to make the points/views known. Members should not use access to Council resources, including fellow Councillors to seek an advantage or to compromise the impartiality of the decision making.

- 8.11 Planning Committee Members must not decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Member to do so.
- 8.12 Members should avoid any direct contact with consultees and instead work with Planning Officers to resolve any concerns or arrange contact (not least as some of the Consultees charge for time).

9 SITE VISITS/INSPECTIONS

CONDUCT AT THE SITE VISIT

- 9.1 Officers will arrange the site visit in advance with relevant parties. There is no right to enter on private land without permission of the landowner. Where appropriate, Officers will obtain permission from the landowner or his/her agent for those invited to attend the site visit to enter the land. If permission is not given for the Planning Committee Members and Officers and other interested parties to enter, or exceptional circumstances exist, permission has been given, the site will have to be viewed from the public highways/areas where this is possible.

APPENDIX A

- 9.2 Prior to attending site visits Planning Committee Members must familiarise themselves with the Council's Health and Safety Risk Assessment document for site visits which they must adhere to. Failure to adhere to the guidance contained in the Risk Assessment during a site visit arranged for an application will result in the Planning Committee Member not being permitted to take part in the determination of that application at the Planning Committee.
- 9.3 The Chairman (or Vice-Chairman) will control proceedings throughout.
- 9.4 The Chairman (or Vice-Chairman) will explain to all those present that the purpose of the site visit is to obtain information relevant to the determination of the application and how the site visit will be conducted. The Chairman will make it clear to interested parties who are in attendance (including the applicant/agent, supporters, objectors, Ward Members and Parish or Town Councillors) that they are not permitted to question or lobby the Planning Committee Members. If attempts to question and/or lobby persist, the site visit will be stopped, and all Planning Committee Members and Officers will leave the site
- 9.5 The Chairman (or Vice Chairman) will introduce the Planning Officer who will describe the proposals to the Planning Committee Members with reference to matters of fact and features on the land and the submitted plans/drawings and summarise the relevant issues and material considerations. It is expected that the Planning Committee Members will already be familiar with the Planning Officer's report where one has been provided.
- 9.6 The Planning Committee Members may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of the planned development.
- 9.7 Other Officers may be present to provide other specialist/expert advice/information where relevant/required (e.g. Highways Engineers, Tree Officers or Environmental Health Officers etc.)
- 9.8 Planning Committee Members will then be invited through the Chairman (or Vice-Chairman) to ask any questions of fact or seeking clarification from the Officers present. Planning Committee Members must not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Planning Committee meeting. Discussion on the merits of the application will not be permitted, and Planning Committee Members should refrain from making comments on the proposal.
- 9.9 Representatives of objectors and/or supporters may be invited/allowed to attend the site visit as interested parties. However, the right of a representative to address the Planning Committee does not arise until this item is reached on the agenda during the relevant meeting of the Planning Committee. Presentations from interested parties should on no account be made, interested parties will have the opportunity to address the Planning Committee through the Public Speakers Scheme. Occasionally it may be appropriate for interested parties to be asked, through the Chairman (or Vice-Chairman), to point out important or relevant site features. At no point during the site visit will debate or comment on the planning merits or otherwise of the proposal be permitted, as the proper time for such debate/comment is at the relevant meeting of the Planning Committee.

APPENDIX A

- 9.10 A Ward Councillor(s) may attend the site visit; however, any Ward Councillor(s) must refrain from debating or commenting on the planning merits or otherwise of the proposal. Ward Councillors will be permitted to make representations at the relevant meeting of the Planning Committee.
- 9.11 During the site visit, no separate discussions regarding the application must take place with Officers or Planning Committee Members and either applicants, objectors or supporters. In order to assist in ensuring that Planning Committee Members receive the same information, they are required to keep together in one group at all times with the Chairman (or Vice-Chairman) and the Planning Officer during the entirety of the accompanied site visit. It is vital that Planning Committee Members do not break-off either as individuals or into smaller groups thereby leaving Planning Committee Members vulnerable to for example, lobbying, and physical or verbal threats, and to ensure that there are no discussions about the proposal separately with residents or the applicant
- 9.12 During the site visit, Officers and Planning Committee Members will not accept any representations (including verbal presentations, documents, letters or petitions) from applicants, objectors or supporters. Any representations should be sent to the Planning Department, and these will be reported to the relevant meeting of the Planning Committee.
- 9.13 No hospitality will be accepted by Officers and/or Planning Committee Members from the applicant or any other interested party present at the site visit.
- 9.14 The Planning Committee Members present at the site visit will sign an attendance sheet. Planning Committee Members failing to attend the site visit will not be considered to have sufficient knowledge of the site and the issues arising from the site visit to enable them to take part in determining the application when it is presented to the Planning Committee for consideration. As such, they will not be permitted to take part in the determination of the planning application at the Planning Committee.
- 9.15 The Chairman (or Vice-Chairman) will conclude the site visit. The Planning Committee Members will leave the site promptly, as a group, and refrain from talking to the applicant, objectors or other interested parties. No indication of the views of Planning Committee Members or the likely outcome of the Planning Committee's deliberations on the application will be given. To do so might imply that a Planning Committee Member's mind is already made up. If attempts are made to speak to the Planning Committee Members they should politely decline to engage in conversation, and bring this to the attention of the Chairman (or Vice-Chairman) and the Planning Officer before leaving the site so that it can be recorded. Should the Chairman (or Vice-Chairman) consider it appropriate to do so, following seeking Officers advice, reference to these events may be raised in the formal Planning Committee meeting for the public record.
- 9.16 If Planning Committee Members require further information or clarification of any aspect of the development, the Officer(s) attending the site visit will be asked to ensure that such information is available by the time the application is considered by Planning Committee Members at the relevant meeting of the Planning Committee.
- 9.17 The Practice of the Council is to visit application sites prior to their consideration at Planning Committee. The Head of Planning and Building Control will identify

APPENDIX A

which sites will need to be visited. If the Planning Committee have visited a site recently then this site will not be visited again.

- 9.18 The purpose of the site visit is for Planning Committee Members to gain factual knowledge of a site and make a visual assessment of the proposal and its relationship with adjoining development.
- 9.19 The Planning Committee Members will be provided with a “Member Pack” which includes a selection of the PowerPoint slides that will be displayed at the Planning Committee. These describe the application proposal and summarise the main issues.
- 9.20 Officers will arrange with the developer/landowner, where possible, for the Planning Committee Members to gain access to the site.
- 9.21 Before the Planning Committee Members get on the bus, the Chairman (or Vice-Chairman), will ask the Planning Committee Members whether they need to declare an interest in an application. When the bus arrives at each site Planning Committee Members will be reminded again of their need to declare any interest they may have, as it may only become apparent to Planning Committee Members that they have an interest when they arrive at a site. The Head of Planning and Building Control will record any interests that are declared
- 9.22 If a Planning Committee Member declares a Disclosable Pecuniary Interest, an Other Registerable Interest or Non-Registerable Interest, then they should remain on the bus and not take part in the site visit. If a Planning Committee Member is in doubt as to whether they have an Interest in a particular matter they should take advice from the Council’s Monitoring Officer (or Deputy Monitoring Officer) before attending the arranged site visit (see paragraph 3.3). If a Planning Committee Member declares an Interest then they are not able to take part in the visit. It is incumbent upon the Planning Committee Member to ensure the impact of their interest before taking part in the site visit and that they do not seek to compromise the decision making process.
- 9.23 Planning Committee Members also need to consider whether they have an open mind or if there is bias or the perception of bias about the application before taking part in a site visit.
- 9.24 Where a Planning Committee Members does not take part in the site visit having declared an Interest or due to pre-determination or bias, they must not discuss the application with the other Planning Committee Members at any point prior to the determination of that application by the Planning Committee.

EXCEPTION TO THE COUNCIL’S LOCAL PRACTICE OF UNDERTAKING SITE VISITS

- 9.25 Whilst it is the Council’s standard local practice to undertake site visits, there will be exceptional circumstances where an organised site visit is not possible.
- 9.26 Site visits are not legally required for the determination of planning applications but forms part of local practice, which protocols must clearly set out. If a site visit cannot be organised, **due to exceptional circumstances**, a planning application can still be determined by the Planning Committee, so long as the guidance issued by the Council is adhered to.

APPENDIX A

9.27 Should circumstances prevail where the Council has had to determine if it is not possible to organise a site visit, Members of the Planning Committee will be issued with guidance by the Monitoring Officer, which is relevant to the particular situation arising. Such guidance will take into account health and safety risk assessments, current legislation and central government guidance, including that issued by the Planning Inspectorate and/or the Chief Planning Officer.

10 POST-SUBMISSION DISCUSSIONS

10.1 Members should not encourage appealing, JR or complaint against the Council without speaking to the Council Officer first.

10.2 Members should not pass on any known details of the case, including any individual names or details that may be known to them, and should instead direct to the Report and Council Officers for assistance as needed.

10.3 Members should not visit the site within a week of the decision to ensure no perception of bias, this would avoid heighten tension with applicant/neighbours not please by the decision.

11 PUBLIC SPEAKING AT MEETINGS

11.1 **Don't** allow members of the public to communicate with you before the opening, during the proceedings, during breaks or immediately after the close of the Planning Committee meeting (orally or in writing) other than through the scheme for Public Speaking or through the Chairman, as this may give the appearance of bias.

11.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

11.3 Members of the public are not permitted to communicate with Planning or Legal Officers immediately before, during or after the Planning Committee meeting proceedings.

12 REPORTS & DECISION MAKING

12.1 In coming to a decision on a planning application, a Planning Committee Member must:

- come to the meeting with an open mind;
- Comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Council's Local Plan and Development Plan Documents unless material considerations indicate otherwise;
- not communicate with anyone (except Officers and other Planning Committee Members) orally, electronically, in writing or by any other means during the proceedings of the Planning Committee (which includes before the opening of the meeting, during any breaks, and immediately after the close of the meeting);
- come to a decision only after due consideration of all the information reasonably required to base a decision upon;

APPENDIX A

- refrain from expressing personal views, opinions or emotions and instead restrict themselves to matters of planning law, policy and all relevant material planning considerations when exercising your planning judgment;
 - not vote on a proposal unless they have been present to hear the whole debate including the Planning Officer's presentation and any public speaking (and where applicable, attended the site visit), where an application has been deferred they must also have been present at the original meeting when the application was first considered; and
 - ensure that if they are proposing, seconding or supporting a decision contrary to the Officer's recommendation or the Local Plan, that they can identify, understand and articulate the **planning reasons they wish to rely on**, leading to their conclusion. Any professional advice given by Officers present at the Planning Committee must be taken into account and considered. Reasons must be given before a Seconder to the proposal is sought and the vote is then taken and recorded. The Chairman (or Vice-Chairman) or Officers will remind the Planning Committee that this is legally required before a decision can be made, if necessary.
- 12.2 Reports to the Planning Committee will normally be available at least five working days to the meeting. Presentations to the Planning Committee and update sheets are uploaded onto the Council's website, as this is additional material taken into account through the decision-making process.
- 12.3 All applications submitted to the Planning Committee will have a full written report from Planning Officers including a reasoned assessment of the proposal, reference to relevant policies and a justified recommendation and analysis of available options. Reports will cover the substance of any objections and the views of people and bodies that have been consulted.
- 12.4 Any oral presentations raising new matters and updates by Planning Officers to the Planning Committee will be minuted.
- 12.5 Planning Committee Members must ensure that they are present for the whole presentation by Officers and subsequent debate on a particular matter and do not attend or leave part way through, this includes where an application is deferred. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Planning Committee Member is not present for the whole of the debate and consideration of the application (including an arranged site visit) they will not be permitted to take part in the decision making. The Chairman and/or Officers will be able to offer advice on this point.
- 12.6 Where an application is recommended for refusal the reasons will be set out in full in the Planning Officer's report.

DECISIONS CONTRARY TO THE OFFICER RECOMMENDATION

- 12.7 Planning Committee Members must indicate the planning reasons at the Planning Committee meeting for approval or refusal of applications determined contrary to Officer advice, including identifying relevant policies. Pressure must never be put on Officers to "go away and sort out planning reasons".
- 12.8 Where an application is being considered at the Planning Committee for refusal contrary to Officer advice, the proposed reasons for refusal will be agreed at that Planning Committee meeting. The reasons will be recorded in the minutes and be based on material planning considerations and the relevant policies supporting the refusal. An opportunity will be given to the Officer to explain the implications of the

APPENDIX A

contrary decision. If a successful planning appeal follows a refusal contrary to Officer advice, clear identification of good planning reasons for refusal will reduce the chance of a cost award.

FREE FROM POLITICAL INSTRUCTION

- 12.9 Members of the Planning Committee must make planning decisions on planning grounds. “Whipping” is inappropriate, and decisions must not be taken in party grounds on how to vote on particular applications prior to the Planning Committee meeting.

DECLARATIONS OF INTERESTS

- 12.10 The Council’s Code of Conduct sets out requirements for Members on declaring pecuniary and non-pecuniary interests and the consequences of having such an interest. These must be followed scrupulously, and Members should review their situation regularly. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.
- 12.11 A Planning Committee Member with a pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. He or she should leave the room before the item is considered. The responsibility for this rests with each Planning Committee Member. Advice can be obtained from the Council’s Monitoring Officer or where appropriate the Deputy Monitoring Officer if required, well in advance of a Planning Committee meeting. It is unsatisfactory if a Planning Committee Members asks for guidance in the course of a debate.

REQUESTS BY MEMBERS FOR INFORMATION

- 12.12 Wherever possible, Members should give advance notice of additional information they intend to request, or information they intend to contest, at the Planning Committee meeting so that Officers can be in a position to assist and avoid the unnecessary deferral of a decision.

PUBLIC PARTICIPATION

- 12.13 In order to give greater opportunity to applicants and objectors to express their respective points of view, the Planning Committee operates a scheme of public participation.

13 PLANNING APPEALS

- 13.1 Appeals into the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Members are able to attend. Members are encouraged to attend such hearings, as they can be a good learning experience. This part of the code is concerned with Members who wish to actively participate in these appeals.
- 13.2 If a Member wishes to attend a public inquiry or informal hearing as a Ward Member or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Director of Planning to ensure that they are aware of **Page 62** and that they do not act in a manner

APPENDIX A

which compromises their position as a Member of the Council or brings the Council into disrepute or puts the decision made at risk of challenge.

- 13.3 A Member cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on that Committee, unless this is as part of the Council's case as decided by the Director of Planning. The decision of the Planning Committee will be documented in the minute and set out in the decision notice. The Planning Officer will present the Council's case of its planning merits, in accordance with the Planning Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 13.4 Where the appealed decision was contrary to the Officer's recommendation, Officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

14 PLANNING ENFORCEMENT

- 14.1 Under the scheme of delegation, all planning and conservation matters are delegated except for the determination of certain planning applications that are specified in the constitution. As decisions on planning enforcement matters are not planning applications, they are delegated decisions to Officers and are therefore dealt with by Officers.
- 14.2 However, principles around such decisions apply as set out in Part 3.6 (paragraph 7) of the constitution. This provides that the delegation of powers to Officers is underpinned by the principle of culture of consultation and liaison with Members, as appropriate, and the ability of Officers to refer matters to the relevant decision-making body, where it is felt that this is appropriate due to the nature of an issue.
- 14.3 So Officer's may decide to refer a planning enforcement matter to the Planning Committee for determination where consultation with Members is deemed necessary given the nature of issues involved.
- 14.4 The Members' Referral Scheme only relates to planning applications and not decisions on planning enforcement cases, so cannot be used by Members to refer a planning enforcement matter to the Planning Committee.
- 14.5 There are a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan.
- 14.6 In considering any enforcement action, the local planning authority should have regard to the National Planning Policy Framework, in particular paragraph 60 which provides; *'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'*

APPENDIX A

- 14.7 The Council's current local enforcement plan for breaches of planning control is the 'Local Planning Enforcement Policy (v.2: September 2022), which will be updated from time to time.'

APPENDIX B

CONSULTATION RESPONSES:

PORTFOLIO HOLDER OF HOUSING AND PLANNING RESPONSE:

- 1) Paragraph 5 – Member Training: All training concerning planning should be mandatory for all members, and substitutes, the planning committee.
- 2) 5.2: Training should be more frequent than minimum of once a year, to take into account any appeal decisions etc
- 3) 5.4: take out ‘Do endeavour’ and insert ‘You must’ attend any other
- 4) 6.11: Agree with the highlighting of sub para 4.
- 5) 6.12: Take out the words ‘are advised to’ in the last sentence and insert the words ‘MUST’
- 6) 6.13: Should some wording be put in last sentence about leaving the room if necessary?
- 7) 7.1: Replace word ‘should’ with ‘must’.
- 8) 7.2.: Suggest putting something in here that going against this could be considered a breach of Code of Conduct (if it is).
- 9) 7.4: 1st sentence, is there a link to this, if so put it in here.
- 10) 7.8: Suggestion there is something added that a declaration at Committee about such attendance, and declare predetermined or not.
- 11) 8.5: Suggestion that the last bullet point be made clearer in wording
- 12) 8.6: Remove word ‘should’ and insert ‘must’.
- 13) 8.7: Make second sentence a separate paragraph.
- 14) 8.9: Expand on what might be/is considered excessive.
- 15) 8.10: Remove word ‘should’ and insert ‘must’.
- 16) 9.3: Insert wording around ‘Chairman will explain to all present purpose of site visit, how it will be conducted, warn others attending (public) of their limitations (speeches/questions) etc, and consequences if they do (site visit will be terminated)
- 17) 9.7: Second sentence remove word ‘should’ and insert word ‘must’.
- 18) 9.9: remove word ‘will’ and insert word ‘must’.
- 19) 9.10: after last sentence, and in reference to last sentence, insert wording similar to ‘if they do, then they could be seen to be pre-determined, and would therefore be unable to participate in any debate on that particular application’.
- 20) 9.14: after last sentence put in wording similar to ‘if continually spoken to/approached they should politely decline, bring it to the attention of Chair/Vice Chair and officer, before leaving the site, as well as declaring they did so at the subsequent Committee meeting.
- 21) 9.21: after last sentence, insert wording similar to ‘ and must not mention or discuss the application prior to, of after, the site visit, with other members of the Committee.....’
- 22) 12.1: third bullet point, should the words ‘and public speakers’ be removed completely, as it implies committee members can do so.
- 23) 12.1 final bullet point, extra emphasis on the words already underlined. Put them in BOLD. Maybe put something in that Chairman will not accept a proposal made with no relevant reasons give, after taking advice of legal/planning officers.
- 24) 12.5: First sentence remove word ‘should’ and insert ‘must’. Second sentence should read that they cannot propose/vote etc: Personal view is that if committee members have not heard all the ‘evidence and debate’ they must not be allowed to, similar to not being on site visit.
- 25) 12.7: Second sentence remove word ‘ should’ and insert word ‘must’.
- 26) 12.9: Second sentence remove word ‘should’ and insert word ‘must’.
- 27) 14.5: First sentence, remove word ‘is’ insert word ‘are’.
- 28) 14.6: Check that NPPF paragraph number has not changed due to recent changes within NPPF 2024 version.

APPENDIX B

Wording similar to “Members of the Committee MUST adhere to the Risk Assessment document, and its guidance, during all site visits. Failure to do so will mean that you will not be able to sit on any planning application listed”.

STANDARDS COMMITTEE RESPONSE:

- (1) to highlight the vital necessity of the Committee membership staying together as one group whilst attending a site visit and not to allow itself to be split up into smaller groups thereby leaving Members vulnerable to acts of lobbying, physical or verbal intimidation et cetera;
- (2) to highlight that Planning Committee members should refrain from expressing their personal views, opinions, emotions at meetings but should instead restrict themselves to matters of planning policy (whether national or local);
- (3) to acknowledge that being a member of the Planning Committee can be a difficult role to carry out; and
- (4) to reflect within paragraph 9.21 that if Members are in doubt as to whether they have an Interest in a particular matter then they should discuss it with Officers and to also cross-reference that paragraph to the information provided by the Monitoring Officer to Members in respect of the Declaration of Interests.

PLANNING COMMITTEE MEMBERS, PLANNING OFFICERS AND INDEPENDENT PERSONS RESPONSES:

3. Relationship to Members’ Code of Conduct:

- Emphasis that Committee members understand their declarations of interests ideally not just before the committee meeting starts – MO or DMO may not be able to answer immediately before the meeting has started.

4. Applications submitted by the Council, Members or Officers:

- “Officers” – over a certain level, all Members of Planning Service and Legal Services to go to Planning Committee if application sent in.

5. Member Training:

- STRESS how important the training is for Members both for exercising committee functions and complying with the Probity Protocol.

6. Predisposition, predetermination and bias:

- Bias needs to be emphasised more.

7. Contact with Applicants, Developers and Objectors/8. Lobbying of and by Councillors:

APPENDIX B

- 7.2 – There is no problem for Members of the Planning Committee to attend public meetings, but to be careful with behaviours and not to place themselves in a situation which could be perceived as giving a view on the application, advice would be not to say anything to anyone in case of getting lobbied.
- Should say Planning Officer throughout the Protocol – not ‘Officer’.

9. Site Visits:

- 9.13 – make stronger.
- Exceptional circumstances – make stronger
- Developers/applicants, Objectors and Parish/Town Councillors should be made aware that they should be pally with Planning Committee members.
(Guidance around not shaking hands etc from Councillors to developers/applicants, Objectors and/or Parish/Town Councillors – at the meeting. This also includes Planning Officers.
- Public and speakers should not approach members of the Committee. Reference Public Speakers Scheme.

10. Post-Submission Discussions:

- Gary Guiver & John Pateman-Gee to have input.

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CABINET

17 MARCH 2025

REPORT OF THE LEADER OF THE COUNCIL

A.2 DELIVERING AGAINST THE COUNCIL'S CORPORATE PLAN 2024-28 – FINAL PROPOSALS FOR HIGHLIGHT PRIORITIES FOR 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council's strategic direction is set out in its Corporate Plan which is a fundamental element of the Council's Policy Framework. The Corporate Plan ('Our Vision') was adopted unanimously by Council on 28 November 2023 (Minutes 76 refers) and covers the period 2024-28 (and is reproduced at Appendix A to this report).

A key element of delivering against the adopted Corporate Plan is through annual highlight priority actions approved by Cabinet. The 2025/26 initial proposals for highlight priorities were adopted by Cabinet for consultation purposes on 20 December 2024.

This report summarises the response to that consultation and invites Cabinet to finalise its highlight priorities for 2025/26, giving due consideration to the outcome of the consultation undertaken and the impact of Greater Essex being placed on the Devolution Priority Programme by Government, which includes proposals being developed for local government reorganisation.

EXECUTIVE SUMMARY

The Council's Corporate Plan 2024-28 ('Our Vision') sets out its strategic direction. That strategic direction itself seeks to reflect the issues that matter most to local people, the national requirements from Government and the challenges that face the district over the time period of the Plan.

The themes of the 2024-28 Corporate Plan ('Our Vision') are:

- Pride in our Area and Services to Residents
- Raising Aspirations and Creating Opportunities
- Championing our Local Environment
- Working with Partners to Improve Quality of Life
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial Sustainability and Openness

The Corporate Plan ('Our Vision') itself is set out at Appendix A to this report.

Cabinet establishes each year its highlight priority actions to deliver against the Corporate Plan and thereby ensure that the ambition of that Plan is central to its work.

The priority actions do not cover every separate element of the ambition of the four-year Corporate Plan; nor are they intended to indicate that other projects, schemes or activities are not being pursued. They are though intended to reflect imperatives across the Council and for the district and actions that it is right to focus on in 2025/26.

The initial proposals were agreed by Cabinet on 20 December 2024 and have been the subject of a consultation exercise, a summary of which is included within the body of the report.

The desire among respondents for local residents to be engaged in the big decisions facing the Council/District was clear. Likewise steps to improve the area through supporting the local economy to grow, providing opportunities for skills development and “place setting” with partner organisations come through in that consultation.

Since the initial priorities were proposed by Cabinet, the Government published its English Devolution White Paper and requested expressions of interest for areas to be included within the Devolution Priority Programme. On Wednesday, 5 February 2025 the Deputy Prime Minister announced that Greater Essex had been accepted onto the programme, which includes developing proposals for Local Government Reorganisation. An Interim Plan is required to be submitted to Government by 21st March 2025 and Full Council will be/have considering/ed this at its meeting on 11th March.

The degree of the impact of both the devolution and local government reorganisation programmes are still unknown but, due to the tight deadlines being imposed and the level of preparation work at a senior level, it is clear that the Council’s resources will be significantly affected for 2025/26. Therefore, in adopting any priorities Cabinet will be mindful that these will be subject to change and reflection throughout the year. It is also right that devolution and local government reorganisation is recognised as a highlight priority for 2025/26 given the potential importance to delivery of services for residents that decision in the parallel processes of devolution and local government reorganisation.

Appendix B sets out the final proposed highlight priority actions for 2025/26. The principal changes in those finalised proposals from the Initial highlight priorities approved by Cabinet for consultation purposes are set out in the outcome of consultation and engagement section of this report.

RECOMMENDATION(S)

It recommended that Cabinet:

- a) considers the outcome of consultation on the initial highlight priorities adopted for that purpose at Cabinet’s meeting on 20 December 2024;**
- b) approves the final highlight priorities for 2025/26, as set out at Appendix B to this report; and**
- c) expressly approves the inclusion of a new highlight priority, as set out in Appendix B, in relation to the critically important area of devolution and local government reorganisation in view of their consequential impact on delivery of services to residents of the District.**

REASON(S) FOR THE RECOMMENDATION(S)

Adopting highlight priority actions allows Council activity to remain focused against Our Vision and provides the framework for the annual performance monitoring system of the Council based on the milestones approved as part of the priority actions.

With Local Government Reorganisation pending it is important to ensure the Council can

respond accordingly, and where possible seek to identify areas where closer working between authorities will serve to be an effective use of resources.

ALTERNATIVE OPTIONS CONSIDERED

As part of the public consultation, respondents were invited to make alternative suggestions. Details of these are included elsewhere in this report.

Not adopting highlight priority actions is an alternative option; however, this could risk leading to a lack of focus for Council activity, and would mean there would not be specific measurable objectives for the Council which can in turn be scrutinised and support transparency around the Council's work.

Not addressing the challenges of devolution and local government reorganisation was also considered and rejected in view of the importance of those challenges and the need to be at the forefront of the consideration of those matters in 2025/26.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The highlight priorities set out at Appendix B seeks to deliver in the year 2025/26 on the ambitions of the four-year Corporate Plan 2024-28. Other actions in 2025/26 will also be undertaken as the Council applies the strategic direction of the Corporate Plan to its work overall.

The inclusion of a highlight priority around devolution and local government reorganisation as proposed, seeks to recognise the importance of decisions in those parallel subject areas to the intentions of the Council as set out in its Corporate Plan.

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)

Following Cabinet's approval of initial proposed highlight priorities for 2025/26, at its 20 December 2024 meeting, consultation on them took place between 2 January 2025 to 13 February 2025 (a six-week period). This consultation involved providing a press release to media outlets, writing to all Town and Parish Councils, placing a webpage on the Council's website and Social Media posts about the consultation. During the consultation 15 responses were received.

A summary of the view expressed in the consultation against each of the Corporate Plan themes is set out here:

Financial Sustainability and Openness Theme:

- To provide residents with the opportunity to provide their thoughts on Council Decisions to support the Council being Financial Sustainable and Transparent.
- To ensure strong communication with residents for example with beach hut owners

Pride in our area and services to residents Theme:

- To improve the Self-Service system on the TDC Website for easier use

- The importance of maintaining the Open Spaces within the District
- For the Waste Service to include collection of other items such as glass.

Raising Aspirations and Creating Opportunities Theme:

- To focus on economic growth in the District, particularly in relation to creating more jobs and encouraging more businesses in the District
- Prioritising deprived areas in terms of housing
- Providing more opportunity for feedback by residents

Championing our Local Environment Theme:

- Implement strategies such as Coastal Protection, Sport and Activity and Climate Change Action Plan using partnership work
- To publicise the strategies and engage with residents to understand their needs

Working with Partners to Improve Quality of Life Theme:

- To have more police presence within the District
- To have clear action plans for the strategies proposed within this theme

Promoting our heritage offer, attracting visitors and encouraging them to stay longer theme:

- To balance strategies/planning with tangible actions being taken towards projects

The feedback above will help shape reinforce intentions behind the highlight priorities to be adopted as set out at Appendix B. The feedback will also be raised with our partners in so far as it is relevant to them (e.g. Police numbers being relevant to the Police and the plans of the Police, Fire and Crime Commissioner).

Due to the fast pace of the devolution and local government reorganisation agenda, it was not possible to include a reference to that agenda in the consultation process. However, it would be inexcusable not to now address the importance of these parallel matters in the highlight priorities 2025/26.

During the period since the initial highlight priorities were approved at the 20 December 2024 Cabinet meeting, there has been further reflection by Portfolio Holders and Officers in respect of the priorities. The principal changes between the initial and finalised highlight priorities are:

- (a) The initial priorities, included three separate priorities around delivery of the savings plan for 2025/26, develop the savings plan 2026/27 and develop a High-Level Transformation Strategy have been merged because of their co-dependencies into a single priority for delivering and developing savings and efficiency plans for 2025/26 and onwards.
- (b) The initial priority around embed the Social Value Policy has moved out of the highlight priorities as it now represents business as usual. The monitoring of delivery of the expected themes, outcomes and measures under the Social Value Policy will continue to be undertaken.
- (c) The initial highlight priority around the service review of open spaces has been removed as the actions envisaged, and the implementation of those actions, will be undertaken as part of the “business as usual” process.
- (d) The initial highlight priority in respect of the Careline Service has been adjusted to reflect the fact that the Cabinet has now determined the future of that service. As such the finalised priority related to the implementation of that decision.
- (e) The initial highlight proposal in respect of planning and actions for major Government

funded regeneration schemes has been adjusted by the addition of the High Street Accelerator schemes for green space and seed funding in the finalise priority.

- (f) The two priorities in respect of Theme E from the Corporate Plan (Promoting our heritage offer, attracting visitors and encouraging them to stay longer) have been reworked to reflect economic advantages of tourism to the area.

Other minor changes to the text of several of the initial highlight priorities have been changed to reflect the anticipated position in 2025/26.

In addition, the inclusion of a specific highlight priority around devolution and local government reorganisation reflects the imperatives around those parallel processes linked through the Government’s Devolution Priority Scheme.

“Consultation and engagement is a key activity in delivering most of the Cabinet’s highlight priorities for 2025/26 and will be reflected in the Community Engagement Strategy”.

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)	The highlight priorities are not themselves considered a key decision as each individual highlight priority will be the subject of individual decisions and these may be key decisions by virtue of one or more of the above criteria.

The recommended highlight priorities will support to deliver against the Council’s adopted Corporate Plan 2024-28. That Corporate Plan decision was a Key Decision for the Council. While this report is (and its recommendations are) not of themselves (a) Key Decision(s), particular schemes and actions referenced in the highlight priorities may be such decisions and require the relevant prior notification. The legal implications of individual actions will be assessed when they are brought forward for formal decisions to be made.

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

The Monitoring Officer's comments have informed the wider content of this report. More generally, Cabinet is reminded that, by virtue of Part 1 of the Local Government Act 1999, the Council is defined as a Best Value Authority. The statutory guidance to Best Value Authorities makes it clear that it must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This means that while authorities are not expected to be perfect, they should prioritise learning and development throughout the organisation and always strive to learn from past mistakes, address under-performance, and avoid continuing in a direction where failure is evident.

Through the development of the proposals set out in this report, and the process of developing and reviewing the Council's Annual Governance Statement, the Council looks to implement a lessons learned approach and the steps taken to address improve performance.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The highlight priorities set out at Appendix B include to carefully plan the Council's budget and taking appropriate action to respond to liabilities and cost pressures. In considering all matters, it is vital that the balance of resources can be accommodated by this Council and that it does not put further strain on the Council being able to balance its budget each year.

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

It is important to highlight the importance of financial sustainability that underpins the delivery of the various priorities and projects across the Council and recognising that financial management and sustainability is a reoccurring expectation throughout the themes and indicators set out in the revised Best Value guidance issued by the Government earlier in the year. The Highlight Priorities also include as a defined action the delivery of the savings in the savings 2025/26, the identification of savings 2026/27 and the associated transformation proposals

Corporate priorities and objectives should be reflected in the financial plans of the Council, which is achieved via the budget process that runs alongside the development of the highlight priorities set out within this report and should be seen as an on-going process throughout the year. In practice, this joined up approach needs to be demonstrated via the various financial reports presented during the year, such as the quarterly financial performance reports and any associated use of the Corporate Investment Fund. In this regard and although subject to a separate decision set out elsewhere on the agenda, an initial sum of £0.250m is proposed to be set aside as part of the in-year budget adjustments for 2024/25 to support a number of activities, including the delivery of priorities set out within this report.

USE OF RESOURCES AND VALUE FOR MONEY

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The Corporate Plan 2024-28 includes the critical theme of "Financial Sustainability and Openness" and Cabinet intends to pursue this theme in order to secure services and functions for the residents the Council serves. To this end, the proposed highlight priorities outline actions that at this stage appears appropriate to support good resource management.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>The development of highlight priorities each year seeks to keep the organisation focussed on measures aimed at securing the intentions of the Council's Corporate Plan. These highlight priorities sit between the Council's Corporate Plan and the individual decisions that will relate to the actions and activities necessary to achieve the intentions for the highlight priorities</p>

	at Appendix B. As such, this process seeks to add to the governance reassurance of the Council around good decision making and awareness of cross cutting 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.	Performance against the annual highlight priorities is measured during the year concerned (and beyond) and the experience obtained from that monitoring assists the Council on its continuous improvement journey.
MILESTONES AND DELIVERY	
<p>The performance reporting at the end of each quarter provides yet further milestones in 2025/26 for these highlight priorities.</p> <p>The consideration of initial highlight priorities by Cabinet on 20 December 2024, when the initial budget for 2025/26 was a significant milestone of itself. Likewise, the delivery of consultation on them between 3 January – 13 February 2025 also represents a significant milestone. This meeting of Cabinet allows priorities for 2025/26 to be adopted in advance of the start of the financial year and in light of the finalised budget.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>The most significant risk associated with this process is that the overall package of highlight priorities for 2025/26 do not match the issues that matter most to local people, the national requirements from Government, the challenges that face the district and the capacity of the organisation and funding to deliver those activities and actions in 2025/26. This risk is considerably mitigated by the process of consultation and evaluation of the resource needs associated with each activity and actions which has taken place prior to the adoption of the finalised highlight priorities. As indicated earlier, the development of the priorities for delivery will require further decisions and these risks should be identified with appropriate mitigation and solutions proposed for consideration.</p>	
EQUALITY IMPLICATIONS	
<p>In developing the proposed final highlight priorities for 2024/25, consideration has been given to the general equality duty set out in S149 of the Equality Act 2010. This requires that the Council (as a public authority), in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act. • Advance equality of opportunity between people who share a protected characteristic and those who do not. • Foster good relations between people who share a protected characteristic and those who do not. <p>Further consideration of equalities implications will be given in respect of each and every decision that will, in due course, be taken in respect of the actions and activities that will form the finalised highlight priority actions. The views of residents, businesses and partners will help to frame that consideration in so far as that related to those with protected characteristics and implications of taking particular decisions on those actions/activities.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>The actions and activities that deliver against the highlight priorities will seek (collectively) to secure social, economic and environmental benefits for the district and its residents. More generally, the Council will continue to encourage the creation of job opportunities for local</p>	

people, support young people into apprenticeships and provide opportunities for local suppliers (and in particular SME businesses) to be represented in the Council's supply chain.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
The consideration of measures to support the Council's net zero by 2050 aim will be a feature of consideration of each of the required decisions involving Cabinet that will be associated with the activities and actions that will form the highlight priorities for 2025/26.	
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	Individual highlight priorities set out in Appendix B seek to specifically support anti-crime and disorder measures and, more widely, each action/activities that will form part of the finalised highlight priorities for 2025/26 will, in due course, be considered against the duty under S17 of the Crime and Disorder Act 1998 to (within the limits set out in that section) do all that it reasonably can to prevent crime and disorder, misuse of drugs etc., re-offending and serious violence.
Health Inequalities	Individual highlight priorities set out in Appendix B seek to specifically support measure to address and respond to health inequalities.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	While this is not a matter for this report, subsidy control considerations will be undertaken in respect of any relevant actions/activities undertaken as highlight priorities 2025/26 (and more generally where relevant).
Area or Ward affected	All Wards

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The development of the Cabinet's annual highlight priorities in support of the Corporate Plan ambition, and the reporting on them, follows the rhythm set out below:</p> <ul style="list-style-type: none"> • Initial draft proposals for the highlight priorities for the following financial year will be considered at the meeting of Cabinet that also considers the initial budget for the Council for the same year (in December). • The initial proposals will be subject to consultation, including Overview and Scrutiny Committees. • The outcome of the consultation and finalised proposals for the annual highlight priorities for the following financial year will be considered early in the New Year. • Following the adoption of the annual highlight actions, the performance triggers will be built into the performance monitoring system of the Council based on the milestones approved as part of those priority actions.

- Officers will report to the relevant Portfolio Holder on delivery of the priority actions and Portfolio Holders will determine, by exception, if issues need to be reported to Cabinet throughout the year.
- Each quarter, a summary report on delivery against all of the Cabinet's annual highlight priority areas for the year will be reported to Portfolio Holder and then published as part of the Council's transparency data. Overview and Scrutiny Committee members may then identify specific key actions where there is performance against relevant milestones that should be subject to further enquiry and these may then be referred to the next relevant meeting of the Committee.
- A half-yearly report on performance against the annual highlight priority actions will be submitted to the relevant Cabinet Meeting (in October). This not only enables the Cabinet to consider the delivery of key actions in that year but also to encourage the start of the processes to set key actions for the following financial year.
- The half-yearly report will be available for Overview and Scrutiny Committees to include their work programmes so as they can consider the likely achievement of the envisaged outcomes.

The Council is currently at the third bullet point above. Reporting on the priorities in 2025/26 after each quarter and annually will continue as set out above in 2025/26.

The Outturn position on performance against the Cabinet's annual highlight priority actions for the previous financial year will be timed to be reported to the Cabinet Meeting at which the budget Outturn for that year will be reported.

While the above represents the rhythm of the annual development and implementation of measures to secure the longer term intentions of the Corporate Plan, through this report (and more generally), the Council needs to respond to and seek to influence the outcome of the intended parallel processes of devolution and local government reorganisation in Greater Essex. The pace of this has been fast, from publication of the Government's English Devolution White Paper on 16 December 2024, the 10 January 2025 deadline for applications to Government to join a fast track Devolution Priority Programme, the 21 March 2025 deadline for interim plans for local government reorganisation, the Autumn 2025 deadline for full plans to be submitted for re-organisation, the May 2026 election of the newly created Mayor for Greater Essex to exercise the devolved powers from Whitehall and new Unitary Councils coming into being on 1 April 2027 or 2028.

To be part of the devolution and local government re-organisation will take resource that would, at other times be addressing highlight priorities directly seeking to achieve the intentions of the Corporate Plan as it was adopted. In submitting the finalised priorities as set out at Appendix B to this report, Cabinet (and Council more widely) will appreciate that the capacity of the organisation to deliver the highlight priorities will be impacted. Equally, collectively we will recognise that not taking part in the processes of devolution and local government reorganisation would be to put one year's priorities above securing the long-term best interests of Tendring and those who live and work here. The creation of the new cross-cutting priority around devolution and local government reorganisation seeks to recognise that the longer-term position of those residents and businesses must be a particular focus as the programmes of devolution and local government reorganisation unfold.

Several of the highlight priorities now submitted themselves identify the need to consider them in the light of local government re-organisation. These will build on the existing collaborative work taking place with colleagues. These include the North Essex Economic

Board and the Essex Procurement Partnership. Shared learning and jointly looking at the same issues can themselves offer solutions which can align delivery so that existing administrative boundaries do not present separate approaches where this is not otherwise beneficial.

The intention of the new priority submitted within Appendix B to this report around devolution and local government reorganisation also seeks to recognise the decision of Council on 21 January 2025 in which it was RESOLVED 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."*

Although it is not an executive function, Cabinet also understands the need to support the intended community governance review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. This review itself will involve considerable resources over a protracted part of the year ahead and this too will impact of delivery of highlight priorities.

PREVIOUS RELEVANT DECISIONS

Council on 28 November 2023 (Minute 76 refers) – Adoption of the Corporate Plan

Cabinet on 20 December 2024 (Minute 96 refers) – Delivering against the Council's Corporate Plan 2024-28 – Initial Proposals for Highlight Priorities for 2025/26

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

A – Our Vision (adopted Corporate Plan)

B – Final proposed highlight priority actions for 2025/26

REPORT CONTACT OFFICER(S)	
Name	Keith Simmons Hattie Dawson-Dragisic
Job Title	Head of Democratic Service & Elections Performance and Leadership Support Officer
Email	ksimmons@tendringdc.gov.uk hdawson-dragisic@tendringdc.gov.uk

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Corporate Plan ‘Our Vision’ 2024-28

Community Leadership runs through all the priorities

Pride in our area and services to residents (Theme A)

We want to put residents first, by promoting clean and tidy communities, providing decent housing that everyone deserves, and tackling the things that make a big difference to you. This means getting the basics right on our services. The Council will look to harness the power of digital delivery of services while ensuring that no resident is left behind. We also want to promote pride in our communities by encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.

Raising aspirations and creating opportunities (Theme B)

Tendring is ambitious and our residents will be supported to reach their potential and realise their opportunities. To do this, working with businesses and partners, we want to improve access to skills learning and training so that residents can find employment and enable businesses to thrive; particularly taking the opportunities afforded by Freeport East and the Garden Community. We want to maximise the opportunities for young people and see them enthused with purpose. To inspire those dreams we will celebrate business success, encourage cultural, tourism and economic growth.

Championing our Local Environment (Theme C)

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

Working with partners to improve quality of life (Theme D)

We want to promote safer, healthier, well connected and inclusive communities by working with our partners across government, public, private and third sectors. We will strive to build on the firm foundations, developed over time, with those partners to meet the identified needs of our communities. We recognise the vital role volunteers play in caring for others and our environment, and we will support, encourage and facilitate those opportunities.

Promoting our heritage offer, attracting visitors and encouraging them to stay longer (Theme E)

We want to boost our tourism by attracting more visitors to the 36 miles of sunshine coast and to our rural towns and villages. We will support our unique heritage, work with our partners, run events and promote the district for the benefit of our residents and to encourage visitors to come and to stay for longer.

Financial Sustainability and openness (Theme F)

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

Listening to and delivering for our residents and businesses

DELIVERING THE CORPORATE PLAN 2024-28
Highlight Priorities for 2025/26

Community Leadership - cross cutting across all themes	N E W	<p><u>Participating positively in the Greater Essex Devolution and local government reorganisation programme as it progresses</u></p> <p>To continue to address the needs and otherwise speak up for Tendring as part of:</p> <ol style="list-style-type: none"> (1) The development of plans for devolution of Whitehall powers to a Greater Essex Combined Authority/Mayor; and (2) the proposals for local government reorganisation in Greater Essex to deliver the best structures for delivery of high-quality and sustainable public services across the area, effective governance and decision-making arrangements and thereby securing the best outcome for the communities of Tendring.
Financial Sustainability and Openness (Theme F)	F 1	<p><u>Deliver / Develop Savings and Efficiency Plans for 2025/26 onwards</u></p> <p>Develop savings and efficiency plans set against the long-term financial forecast, the Government’s longer term funding review and Devolution and Local Government Reorganisation, to include:</p> <ul style="list-style-type: none"> • Taking the necessary steps to implement outstanding items included within the adopted Savings Plan for 2025/26; and • develop a ‘pipeline’ of further options for consideration, that takes account of transformational activities reflecting the on-going active management of demand and supply pressures, other costs and liabilities, including those associated with the Council’s Assets.
	F 2	<p><u>To develop proposals to secure the long-term sustainability of Housing Revenue Account (HRA)</u></p> <p>In respect to the Council’s own housing stock, drive improvement with expanded estate management.</p> <p>To develop the long term HRA 30 Year Business Plan proposals to secure sustainability of the HRA to include:</p> <ul style="list-style-type: none"> • Management of long-term empty properties; and • responding to the new Government’s drive to increase the stock of social housing e.g. additional flexibilities relating to retained “Right-to-Buy” receipts. <p>Explore the possibility of working with other authorities in light of the Local Government Reorganisation.</p>

	F 3	<p><u>Implement the Beach Huts Strategy</u></p> <p>Deploy a phased approach to the implementation of the adopted Beach Hut Strategy. Key features of the Strategy were introducing commercial leases for those who wish to rent out their beach hut for more than ten days each year; limiting beach hut agreements to one per household (for new hut owners); standardising designs and adaptations; and moving from issuing licences to leases.</p>
Pride in our area and services to residents (Theme A)	A 1	<p><u>Waste and Street Cleaning Strategy – re-tendering and preparation for commencement of new waste collection etc. contract.</u></p> <p>During 2025/26 a contract will be awarded for the provision of a waste and recycling collection and street cleaning service in the District from April 2026 onwards. Preparations will then take place to ensure the smooth commencement of the new contract.</p> <p>The proposals for the new contract include:</p> <ul style="list-style-type: none"> • Continuation of fortnightly residual waste collections; • A more data focussed approach with a full suite of performance management measures and data monitoring capabilities. The facility for better contract monitoring and reporting of problems; • Compliance with the Environment Act 2021 and the Simpler Recycling regime; and • Provision of best value for money – providing an effective service for residents that meets aspirations whilst remaining affordable. <p>Explore the possibility of working with other authorities in light of the Local Government Reorganisation</p>
	A 2	<p><u>Housing Strategy – submission for approval and actions from it.</u></p> <p>Develop a revised Housing Strategy to address the needs of the District and its residents. This will then shape the delivery of relevant services going forward.</p> <p>Explore the possibility of working with other authorities in light of the Local Government Reorganisation.</p>
	A 3	<p><u>Homelessness – addressing the provision and steps to make the service sustainable going forward</u></p> <p>Positively review and take appropriate actions to review the Council's use of temporary accommodation, working with the sector to drive improvement and efficiencies and to develop interventions ahead of homelessness occurring and thereby improve the sustainability of this service for the Council over the longer term.</p>

		Explore the possibility of working with other authorities in light of the Local Government Reorganisation
	A 4	<p><u>Continue the review of the Local Plan</u></p> <p>To proceed with the review of the Tendring Local Plan – extending its timeframe to 2041 and to ensuring it is up to date and in alignment with latest national planning policy and mandatory housebuilding targets. The Local Plan review will also take into account the progress on the Tendring-Colchester Borders Garden Community project.</p>
	A 5	<p><u>Implement decision on the future of the Careline Service</u></p> <p>Following a year-long review of the Careline service and having considered consultation feedback; updated financial analysis; the implications of Devolution and local government reorganisation; and different options for the future of the service, the Cabinet agreed on 21 February 2025 to the creation of a combined telecare, response and lifting service for North East Essex – achieved through the transfer of service-users and staff to Colchester City Council’s Helpline Service run by its arms-length company Amphora. The transfer is to be implemented within the 2025/26 financial year in line with a detailed transition plan and legal agreement to be negotiated and agreed with Colchester Helpline and Colchester City Council.</p>
Raising Aspirations and Creating Opportunities (Theme B)	B 1	<p><u>Develop plans and implement actions from the following programmes:</u></p> <ol style="list-style-type: none"> 1. Levelling Up Fund; 2. Community Regeneration Partnership (Former Levelling Up Partnership); 3. Capital Regeneration Project; 4. UK Shared Prosperity Fund; 5. Tendring-Colchester Borders Garden Community; 6. High Street Accelerator Green Space; and 7. High Street Accelerator Seed Funding <p>To support economic growth in the District to enable the development of the Garden Community and drive forward town centre regeneration - by creating new social housing, public realm, civic space, and cultural venues, and working the Clacton Town Board to develop the long term plan for towns, with tens of millions of capital investment from Government.</p>

Championing our Local Environment (Theme C)	C 1	<p><u>Develop a new Coastal Protection Strategy to secure financial sustainability for interventions by this Council</u></p> <p>Develop a Coastal Protection Strategy aimed at addressing long term needs to protect against erosion and ground movement along the coastline the interventions that may be required and the position of this Council.</p>
	C 2	<p><u>To implement actions from the Sport and Activity Strategy</u></p> <p>To make strides to develop community-led sporting activity with partners, improve our leisure provision and put facilities on a sustainable footing.</p>
	C 3	<p><u>To implement actions from the Council's Climate Change Action Plan</u></p> <p>To take forward key actions to reduce the Council's carbon emissions and improve nature in the district.</p>

Working with Partners to Improve Quality of Life (Theme D)	D 1	<p><u>Develop a Health and Wellbeing Strategy</u></p> <p>To adopt, subject to Cabinet approval, a health and wellbeing strategy that recognises the role of the Council in improving the wider determinants of health, including mental health, and implement actions from the strategy.</p>
	D 2	<p><u>To implement the new Crime and Disorder Strategy</u></p> <p>Following the adoption of the Crime and Disorder Reduction Strategy, and the identification of the key themes to delivered, a delivery plan will be prepared with the appropriate partner/partners and progress on the delivery will be reported on through 2025/26.</p>
	D 3	<p><u>To develop a renewed Community Engagement Strategy</u></p> <p>To review the adopted Community Engagement Strategy and develop a set of principles for community engagement in early 2025/26 and to reflect on these during the year based on the experience across the Council.</p>
Promoting our heritage offer, attracting visitors and encouraging them to stay longer (Theme E)	E 1	<p><u>Attract tourists to the districts through events</u></p> <p>To host one of the largest events in Essex, the Clacton Airshow, attracting thousands of tourists to the town, boosting economic growth.</p>
	E 2	<p><u>To invest in the District's cultural offer to support local residents and attract tourists</u></p> <p>To invest in the cultural offer of the District by taking forward cultural projects funded through the Community Regeneration Partnership (formerly the Levelling Up Partnership).</p> <p>To protect the Council's tourist attractions by engaging with external bodies in support of the Dovercourt Leading Lighthouse improvements.</p>

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CABINET

17 MARCH 2025

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.3 TIMETABLE OF MEETINGS: 2025/2026 MUNICIPAL YEAR

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to give consideration to the timetable of meetings for the 2025/2026 Municipal Year.

EXECUTIVE SUMMARY

This report will enable Cabinet, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a timetable of meetings for the 2025/2026 Municipal Year.

RECOMMENDATIONS

- (a) that the timetable of meetings for the Council and its Committees, as set out in the Appendix to this report, be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and
- (b) that the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the timetable of meetings proposed by the Corporate Finance & Governance Portfolio Holder and in order to enable the timetable of meetings to be submitted to the Annual Meeting of the Council for approval and adoption, in accordance with the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve the timetable of meetings;
- (2) To amend or substitute some or all of the proposed dates.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Committee Services Manager, in preparing an initial timetable of meetings for the Portfolio Holder to consider, consulted with senior officer colleagues within the Council.

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)	Not Applicable in this instance
X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to agree a timetable of ordinary meetings of the Full Council and its Committees rests with the Full Council at its Annual Meeting. This is set down in the Council's Constitution in Council Procedure Rule 1 (Annual Meeting of the Council), specifically Rule 1.1(xii) (Timing and Business). This is confirmed in Council Procedure Rule 3 (Ordinary Meetings) and in Council Procedure Rule 35 (Meetings of Committees), specifically Rule 35.1 (Ordinary Meetings).</p> <p>Schedule 3 (Responsibility for Executive Functions) in Part 3 (Scheme of Delegation) of the Council's Constitution and specifically section 4.2.1 (Overall Responsibilities of the Leader and the Portfolio Holders), sets out that the Portfolio Holder for Corporate Finance & Governance has the overall strategic responsibility for the Council's Democratic Services which, in turn, undertakes corporate administration in relation to timetabling and servicing meetings of the Council, Cabinet and Committees.</p> <p>Article 7 (The Executive) of the Council's Constitution and, specifically, Article 7.08 (Cabinet Procedure Rules) – section 1.1 (Cabinet Meetings), states that the Cabinet will meet at times and at locations to be agreed by the Leader of the Council.</p>			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
Risk			
Providing clarity through a clearly defined timetable of prevents confusion and enhances the Council's overall governance arrangements thereby helping to ensure that the Authority makes informed decisions and properly manages its risks.			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
No further comments to make in addition to those set out elsewhere within the report.			
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;	N/A
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	N/A
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.	N/A

MILESTONES AND DELIVERY

Preparation of a timetable of meetings for the forthcoming municipal year by the Committee Services Manager, including consultation with senior officer colleagues – late January to early February 2025.

Submission of draft timetable of meetings to the Corporate Finance & Governance Portfolio Holder for their review – February 2025.

Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 17 March 2025.

Submission of Cabinet's recommendations to the Annual Meeting of the Council for approval and adoption – 29 April 2025.

ASSOCIATED RISKS AND MITIGATION

Not approving and implementing an agreed timetable of meetings will negatively impact the Council's governance arrangements.

EQUALITY IMPLICATIONS

Under Article 3 (Citizens and the Council) in the Council's Constitution, the public have a right to attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and attend meetings of the Cabinet when key decisions are being considered. The public also have a right to participate by submitting written questions to Full Council meetings and contribute to investigations by the Overview and Scrutiny Committees. The public can also participate at meetings of the Planning Policy & Local Plan Committee, the Planning Committee and the Tendring Colchester Garden Border Community Joint Committee in accordance with the relevant Public Speaking Schemes. At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.

Article 2 (Members of the Council) states, inter alia, that Councillors attending meetings will represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities; effectively represent the interests of their ward and of individual residents; be involved in decision-making for the people of the District as a whole; and contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

Article 5 (Chairing the Council and Committees) states, inter alia, that Chairmen will preside over meetings so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community; and ensure that the meeting is a forum for

debate of matters of concern to the local community.	
SOCIAL VALUE CONSIDERATIONS	
None	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
The encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) and reverting to solely receiving summons via electronic notifications from May 2023 was consistent with the Council's policy of its operations becoming carbon neutral.	
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	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>In accordance with the Constitution a draft timetable of meetings has been prepared and approved and is set out as an Appendix to this report.</p> <p>The meetings of the Full Council, the Community Leadership Overview and Scrutiny Committee, the Human Resources and Council Tax Committee and the Resources and Services Overview and Scrutiny Committee will normally commence at 7.30 p.m.</p> <p>Meetings of the Licensing and Registration Committee will normally commence at 6.30 p.m.</p> <p>Meetings of the Planning Policy and Local Plan Committee and the Tendring Colchester Borders Garden Community Joint Committee will normally commence at 6.00 p.m.</p> <p>Meetings of the Planning Committee will normally commence at 5.00 p.m.</p> <p>Meetings of the Tendring Colchester Border Garden Community Joint Committee will be arranged as and when required.</p> <p>Meetings of the Standards Committee will normally commence at 10.00 a.m.</p> <p>Meetings of the Audit Committee will normally commence at 10.30 a.m.</p> <p>Cabinet meetings are fixed by the Leader of the Council in accordance with Article 7.08 Cabinet Procedures Rule sub-section 1.1 of the Council's Constitution and therefore the scheduling et cetera may change. The public meetings of the Cabinet listed will normally commence at 10.30 a.m.</p> <p>The timetable does not show meetings of the Sub-Committees, which are arranged either at meetings of the relevant Sub-Committee or from time to time when required.</p>

Dates for All Members' Briefings and Councillor Development Sessions have been included in order to assist Members in keeping their diaries up-to-date. These will be held either in person or online via Microsoft Teams.

Wednesday evenings are avoided, wherever possible, for meetings of Committees et cetera as the Princes Theatre is used in term time for the Princes Theatre Youth Group and it is felt that to have a publicly accessible meeting on the same night will raise significant safeguarding issues. In addition, Monday evenings have been avoided, wherever possible, to avoid clashing with meetings of the Arts & Literature Society in the Princes Theatre for similar reasons.

Venues for Meetings of the Council, Cabinet and Committees Etc.

Meetings of the full Council will normally be held in the Princes Theatre in the Town Hall, Clacton-on-Sea.

Meetings of the Cabinet and Committees will normally be held in the Committee Room in the Town Hall.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Proposed Timetable of Council and Committee Meetings for the 2025/26 Municipal Year.

REPORT CONTACT OFFICER(S)

Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	iford@tendringdc.gov.uk (01255) 686 584

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A.3 APPENDIX

TIMETABLE OF MEETINGS – 2025/2026 MUNICIPAL YEAR (& PART WAY BEYOND)

2025

Body	Time	Day	Date	Notes
ANNUAL COUNCIL (Already agreed)	7.30 p.m.	Tuesday	29 April	
Licensing & Registration Committee	6.30 p.m.	Wednesday	7 May	
Cabinet	10.30 a.m.	Friday	9 May	
Planning Committee	5.00 p.m.	Tuesday	13 May	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	14 May	
COUNCIL	7.30 p.m.	Tuesday	20 May	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	21 May	
Cabinet	10.30 a.m.	Friday	6 June	
Planning Committee	5.00 p.m.	Tuesday	10 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	17 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	18 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 June	
Audit Committee	10.30 a.m.	Thursday	26 June	
Cabinet	10.30 a.m.	Friday	27 June	Note 1
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	1 July	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	3 July	
Planning Committee	5.00 p.m.	Tuesday	8 July	
Standards Committee	10.00 a.m.	Wednesday	9 July	
COUNCIL	7.30 p.m.	Tuesday	15 July	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	16 July	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	23 July	
Cabinet	10.30 a.m.	Friday	25 July	Note 2
Planning Committee	5.00 p.m.	Tuesday	5 August	
Licensing and Registration Committee	6.30 p.m.	Wednesday	6 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	20 August	
Planning Committee	5.00 p.m.	Tuesday	2 September	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	9 September	
COUNCIL	7.30 p.m.	Tuesday	16 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	24 September	
Audit Committee	10.30 a.m.	Thursday	25 September	
Cabinet	10.30 a.m.	Friday	26 September	
Planning Committee	5.00 p.m.	Tuesday	30 September	
Standards Committee	10.00 a.m.	Wednesday	8 October	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	14 October	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	15 October	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	16 October	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	22 October	
Cabinet	10.30 a.m.	Friday	24 October	
Planning Committee	5.00 p.m.	Tuesday	28 October	
Licensing and Registration Committee	6.30 p.m.	Wednesday	29 October	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	12 November	
Cabinet	10.30 a.m.	Friday	14 November	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	19 November	
COUNCIL	7.30 p.m.	Tuesday	25 November	
Planning Committee	5.00 p.m.	Thursday	27 November	Note 12
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	9 December	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	10 December	
Planning Committee	5.00 p.m.	Tuesday	16 December	

A.3 APPENDIX

Cabinet	10.30 a.m.	Friday	19 December	
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2026

Resources and Services Overview & Scrutiny Committee (INFORMAL)	7.00 p.m.	Wednesday	7 January	Note 3
Community Leadership Overview & Scrutiny Committee (INFORMAL)	7.00 p.m.	Thursday	8 January	Note 4
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Wednesday	14 January	Note 5
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Thursday	15 January	Note 6
Planning Committee	5.00 p.m.	Tuesday	20 January	
Licensing and Registration Committee	6.30 p.m.	Wednesday	21 January	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Thursday	22 January	
COUNCIL	7.30 p.m.	Tuesday	27 January	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	28 January	
Cabinet	10.30 a.m.	Friday	30 January	Note 7
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	3 February	
Standards Committee	10.00 a.m.	Wednesday	11 February	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Thursday	12 February	
COUNCIL (Budget & Council Tax setting)	7.30 p.m.	Tuesday	17 February	Note 8
Audit Committee	10.30 a.m.	Thursday	19 February	
Planning Committee	5.00 p.m.	Thursday	19 February	
Cabinet (PROVISIONAL)	10.30 a.m.	Wednesday	25 February	Note 9
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 February	
Cabinet	10.30 a.m.	Friday	27 February	
Human Resources & Council Tax Committee	7.30 p.m.	Monday	2 March	Note 10
COUNCIL (PROVISIONAL)	7.30 p.m.	Thursday	5 March	Note 11

Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	10 March	
Planning Committee	5.00 p.m.	Tuesday	17 March	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	18 March	
Cabinet	10.30 a.m.	Friday	20 March	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 March	
Audit Committee	10.30 a.m.	Thursday	26 March	
COUNCIL	7.30 p.m.	Tuesday	31 March	

Planning Committee	5.00 p.m.	Tuesday	14 April	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	21 April	
Standards Committee	10.00 a.m.	Wednesday	22 April	
Cabinet	10.30 a.m.	Friday	24 April	
ANNUAL MEETING OF THE COUNCIL	7.30 p.m.	Tuesday	28 April	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	29 April	

A.3 APPENDIX

2026/2027 MUNICIPAL YEAR

(Provisional dates for early cycles of meetings in 2026/2027 – for information only, subject to change)

Body	Time	Day	Date	Notes
Planning Committee	5.00 p.m.	Tuesday	12 May	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	13 May	
COUNCIL	7.30 p.m.	Tuesday	19 May	

ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	20 May	
Cabinet	10.30 a.m.	Friday	22 May	
Planning Committee	5.00 p.m.	Tuesday	9 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	16 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	17 June	
Cabinet	10.30 a.m.	Friday	19 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	23 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	24 June	
Audit Committee	10.30 a.m.	Thursday	25 June	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	2 July	
Planning Committee	5.00 p.m.	Tuesday	7 July	
Standards Committee	10.00 a.m.	Wednesday	15 July	
Cabinet	10.30 a.m.	Friday	17 July	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	22 July	
COUNCIL	7.30 p.m.	Tuesday	28 July	

Planning Committee	5.00 p.m.	Tuesday	4 August	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	12 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	26 August	
Planning Committee	5.00 p.m.	Tuesday	3 September	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	15 September	
COUNCIL	7.30 p.m.	Tuesday	22 September	
Audit Committee	10.30 a.m.	Thursday	24 September	
Cabinet	10.30 a.m.	Friday	25 September	
Planning Committee	5.00 p.m.	Tuesday	29 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	30 September	

Notes

1. Meeting previously provisionally arranged for 4 July but has now been brought forward to 27 June to avoid a clash with the LGA Annual Conference which will be attended by the Leader of the Council, the Deputy Leader of the Council and the Chief Executive.
2. Meeting brought forward one week from previously provisionally agreed date of 1 August because of the change of date referred to in Note 1 above.
3. Informal Meeting arranged to allow the Overview & Scrutiny Committee to conduct pre-scrutiny on the Cabinet's Financial Forecast and initial budget and special expenses proposals.
4. Informal Meeting arranged to allow the Overview & Scrutiny Committee to conduct pre-scrutiny on the Council's approach to grants, the relationship between other grant funding organisations and the extent which gaps in funding have been identified and addressed.
5. Extra Meeting arranged to allow the Overview & Scrutiny Committees to consider and then formally comment on the Cabinet's Financial Forecast and initial budget and special expenses

A.3 APPENDIX

proposals. Also, to allow the Committee to discuss those proposals with Portfolio Holders. Portfolio Holders are requested to reserve this date in their diaries in the likelihood that the meeting will take place.

6. Extra Meeting arranged to allow the Overview & Scrutiny Committee to consider and then formally comment on the on the Council's approach to grants, the relationship between other grant funding organisations and the extent which gaps in funding have been identified and addressed. Also, to allow the Committee to discuss that approach with relevant Portfolio Holders. Portfolio Holders are requested to reserve this date in their diaries in the likelihood that the meeting will take place.
7. At this meeting Cabinet will approve its final proposals in relation to the Council's Budget and Council Tax precept for 2026/27 for submission to Full Council.
8. Meeting of the Council to approve the Cabinet's budget proposals and set the Council Tax for Tendring District Council but excluding County Council and Police, Crime & Fire Commissioner Council Tax precept calculations.
9. Provisional extra meeting of the Cabinet arranged in order to allow the Cabinet to meet and consider the Council's objections/amendments to the Budget (which may arise following the Council meeting referred to in note 8 above.)
10. Meeting to formally confirm the County, Fire and Police precepts on the Council's Collection Fund and for each Council Tax band in the parished and unparished areas of the District.
11. Provisional extra meeting of the Council arranged in order to allow the Council to meet and consider the Cabinet's revised budget proposals or the Cabinet's disagreement with the Council's budget objections (which may arise following the meetings referred to in notes 8 and 9 above.)
12. Meeting moved to Thursday as the Full Council are meeting on the Tuesday of that week.

CABINET

17 MARCH 2025

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.4 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for this purpose.

Following the Working Party's meeting, some additional minor amendments were required for clarity highlighted by the Section 151 and Monitoring Officers and the Leader is proposing to amend the responsibilities for Cabinet and an individual Portfolio Holder, in one area.

The main proposals cover a number of miscellaneous amendments to the Articles of the Constitution, Council Procedure Rules and the Overview and Scrutiny Procedure Rules, Scheme of Delegated Powers and the Financial Procedure Rules in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level.

The key changes to each of these documents are highlighted within the body of this Report.

EXECUTIVE SUMMARY

The Review of the Constitution Portfolio Holder Working Party (CRWP) met on 19 February 2025 and the meeting was attended by its Chairman, the Corporate Finance & Governance Portfolio Holder (Councillor M E Stephenson) as well as Councillors Guglielmi, Kotz, Talbot and Wiggins.

A summary of the proposed changes compared to the existing Parts of the Constitution is provided under each heading in the background section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it is in accordance with legislation, where necessary.

Additional matters which have arisen since the meeting of the CRWP, relate to the following proposed amendments:-

- Two technical financial amendments suggested to the Financial Procedure Rules by the Section 151 Officer (one for the use of an associated reserve account for Section 106 monies, and a second relating to a further decision being required once an application for External Funding has been successful).
- Consistency and clarity on when the exemption to Call-in applies to Portfolio Holder decisions and Officers making Key Decisions (to ensure the wording is correct in two places).
- Minor clarification on Officers exercising their discretion on the Members' Referral Scheme under the Planning Committee's terms of reference (to make clear a decision is required).
- Consistency on the principles applying to Officers exercising delegated powers for both Executive and Non-Executive functions (ensuring the same wording is used and

- emphasising the discharge of these functions by Officers is subject to criteria); and
- Proposed changes to the Executive Functions Scheme of Delegation covering the Traffic Regulation Order process.

RECOMMENDATION

- That Cabinet **RECOMMENDS TO COUNCIL** that:
 - the Council’s Constitution be amended to reflect the proposed changes as set out in Appendices A to J attached hereto this report;
 - the membership of the Audit Committee be increased to seven (from five) with effect from the Annual Meeting of the Council in 29 April 2025; and
 - it supports the intention to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports and that the new box will be headed “Devolution and Local Government Reorganisation Implications”.
- That Cabinet supports the intention to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports and that the new box will be headed “Devolution and Local Government Reorganisation Implications”.
- That Cabinet supports the Leader of the Council’s proposal to amend the Scheme of Delegation to Portfolio Holders, especially in relation to the process regarding Traffic Regulation Orders, as set out in Appendix K.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder’s recommendations arising therefrom, and to enable those recommendations to be submitted to the Full Council for approval and adoption.

ALTERNATIVE OPTIONS CONSIDERED

- Not to approve some or all of the Portfolio Holder’s recommendations;
- To amend or substitute some or all of the Portfolio Holder’s recommendations.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The outcome of the annual review of the Constitution by the Review of the Constitution Portfolio Holder Working Party is reported elsewhere in this report.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision	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
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(see the criteria stated here)			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)	Not Applicable in this instance
X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council.</p> <p>Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.</p> <p>In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority, operating executive arrangements, must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.</p> <p>Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.</p> <p>All comments within the Monitoring Officer's responsibility are picked up throughout the content of the report, where the principles around Officers exercising delegated powers is being emphasised. This is also to reflect the requirements of the revised Best Value Statutory Guidance issued in May 2024.</p>			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
Risk Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
Any additional amendments required to the Constitution arising through operational matters, have been raised with the Monitoring Officer and captured within the body of the report.			
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;	Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Constitution sets out the Council's standing orders and associated scheme of delegation, policies and procedures for decision making.
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.	Governance is a theme of the Best Value Duty and is described (amongst other things) as ensuring decision-making processes, within clear schemes of delegation, should be transparent, regularly reviewed, clearly followed and understood, enabling decision-makers to be held to account effectively. There should also be evidence of the decisions following good public law decision making principles (reasonableness, rationality, proportionality, legality, fairness etc).
MILESTONES AND DELIVERY	
Annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party – February 2025.	
Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 17 March 2025.	
Submission of Cabinet's recommendations to Full Council for approval and adoption – 25 March 2025.	
Implementation of approved changes to the Constitution (where they do not have an immediate effect) – from commencement of the 2025/2026 Municipal Year.	
ASSOCIATED RISKS AND MITIGATION	
Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements.	
EQUALITY IMPLICATIONS	
The purpose of the Constitution is to:	
<ol style="list-style-type: none"> 1 Provide key elements of the Council's overall governance arrangements; 2 Enable decisions to be taken efficiently and effectively; 3 Create an effective means of holding decision-makers to public account; 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District; 5 Support the involvement of the local community in the process of local authority decision making; 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved; 7 Help Councillors represent their residents more effectively; 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and 	

9 Provide the framework and structure in which cost effective quality services to the community are delivered.	
SOCIAL VALUE CONSIDERATIONS	
associated with this report however, the Council's Procurement Procedure Rules make reference to the Public Services Social Value requirements.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no direct implications.	
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	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND	
<p>The CRWP reviewed various areas of the Constitution and the following changes are recommended (please note that any references to Part numbers relate to the Constitution prior to any amendments now submitted):</p>	
<p>1. <u>Article 2 – Members of the Council (Part 2): (Part 2.3 to 2.4)</u></p>	
<p><u>Article 2.03(b) (Roles and Functions of all Councillors – Rights and Duties)</u></p> <p>To include that it is a duty of Councillors to undertake all relevant training and to keep themselves up to date on such training.</p> <p><u>New Article 2.06 (Training/Development Records of Members)</u></p> <p>To set out that the training/development records of Members will be centrally held by the Monitoring Officer through the Leadership Support Team and that Members' training/development would be organised/facilitated through that Team.</p> <p><i>The proposed changes to Article 2 are shown in RED in Appendix A.</i></p>	
<p>2. <u>Article 3 – Citizens and the Council</u></p>	
<p><u>Article 3.01(c) (Participation)</u></p> <p>To include a reference to the public's right to submit a petition under the Council's Scheme for Dealing with Petitions. This would correct an omission.</p> <p><i>The proposed changes to Article 3 are shown in RED in Appendix B.</i></p>	
<p>3. <u>Section 4.2.2 (Role of Leader and individual Portfolio Holders) – Schedule 3 (Responsibility for Executive Functions) – Part 3 of the Constitution</u></p>	
<p>To make reference to training and development for Cabinet Members.</p>	

*The proposed changes to Section 4.2.2 of Schedule 3 of Part 3 of the Constitution are shown in **RED** in **Appendix C**.*

4. Council Procedure Rule 11 – Questions by Members

Minor correction to Rule 11.5(e) (Reasons for rejection of Questions). Change reference to “Members’ Code of Conduct~~or~~” to read “Members’ Code of Conduct”.

*The proposed change to Council Procedure Rule 11 is shown in **RED** in **Appendix D**.*

5. Council Procedure Rule 16.6 (Alteration of Motion)

For the avoidance of doubt, to make clear that this rule applies to any amendment made at the meeting by another Member.

*The proposed changes to Council Procedure Rule 16.6 is shown in **RED** in **Appendix E**.*

6. Council Procedure Rules 33.3, 34.2 and 34.3 – Training Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees; Eligibility and Effect (Appointment of Substitute Members; and Training Substitute Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees

Following amendments to Rules 33.3 and 34.3 (where relevant):-

- Deletion of the sentence relating to the Monitoring Officer’s definition of what is meant by the word “mandatory” and whether the training offered/provided was “sufficient and fit for purpose”.
- That this needs to be linked to the following paragraphs in Rule 33.3.
- That a provision for the Monitoring Officer to be able to approve alternative arrangements for training to enable Members to attend and take part in the business of the agenda for a particular meeting should be included.
- References to Licensing and Registration Committee should be amended to include its Sub-Committees.
- An expansion of the section concerning training content for Councillors to determine matters on a range of Committees (and Cabinet).

Following amendment to Rule 34.2 to avoid any uncertainty or doubt:-

“In those circumstances where the Member who wishes to be substituted has recently left one political group and joined another or if they move to a non-aligned position and, in the absence of a review of the allocation of seats to political groups, the seat remains within the control of the Member’s previous Group then it shall be for the Leader of that Group to appoint a substitute.”

*The proposed changes to Council Procedure Rules 33 and 34 are shown in **RED** in **Appendix F**.*

7. Overview and Scrutiny Procedure Rules (Part 5)

The Working Party considered and endorsed the proposed amendments to Overview & Scrutiny Procedure Rules 16 and 18. The proposed changes relate to:-

- (i) Rule 16 (Attendance by Others) = include within that Rule that Ward Members would be invited to attend before the Committee if there was an item on the agenda that was specific to their Ward and to have the facility to address the Committee and/or answer Members' questions.
- (ii) Rule 18 (Exceptions to Call-In) = to be amended, for the avoidance of doubt, by the addition of a new paragraph (g) as follows:-

“(g) Appointment by the Leader of the Council of Members to serve on the Cabinet as Portfolio Holders.”

*The proposed changes to the Overview & Scrutiny Procedure Rules are shown in **RED** in **Appendix G**.*

8. Membership of the Audit Committee

At its meeting held on 19 February 2024 (Note 13 refers) and at the request of the Monitoring Officer, the Review of the Constitution Portfolio Holder Working Party considered, inter alia, whether the size of the Audit Committee should be raised back up to seven members to match the size of the Standards Committee. Following that discussion it was:-

AGREED that the Working Party requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that the membership of the Audit Committee be increased to seven Members.

OTHER MATTERS CONSIDERED:

1. Planning Committee: Terms of Reference and Members' Referral Scheme for Planning Applications and Order of Agenda Items – Proposed Amendments by Members

The CRWP was informed that, at the meeting of the Full Council held on 19 March 2024 (Minute 139 referred), Members had considered in accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, the recommended changes to the Constitution put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for that purpose.

During the debate on this matter Councillor Harris had moved and Councillor Alexander had seconded the following amendment:-

“(d) that the terms of reference of the Planning Committee and the Members' Referral Scheme for Planning Applications be amended to allow the relevant Ward councillor(s) (or in exceptional circumstances, a member of the Planning Committee with the approval of the Chairman of the Planning Committee) to 'call-in' to the Planning Committee any planning application submitted to remove a Tree Preservation Order.”

Following a debate on Councillor Harris' amendment and pursuant to the provisions of Council Procedure Rule 16.5(e), and following an undertaking given by the Monitoring Officer that the purpose of his amendment would be considered, in due course, by the Review of the Constitution Portfolio Holder Working Party, Councillor Harris had withdrawn his amendment with the consent of his seconder.

Councillor Bray had then referenced a further amendment that he had intended to move in relation to the order of business on Planning Committee Agendas. However, in the light of the above, Councillor Bray had informed Council that he would now pursue that intention via the Review of the Constitution Portfolio Holder Working Party.

The text of Councillor Bray's putative amendment had been as follows:-

"That Council Procedure Rule 35.1 be amended to include the following sentence:

That, (notwithstanding the prerogative of the Chairman of the Planning Committee), for all future meetings of the Planning Committee, any planning application whereby Tendring District Council is the applicant or has a material interest (e.g. it is the landowner/landlord) will normally be heard first ahead of any other planning applications on the Agenda."

The CRWP AGREED that:-

- "(1) the Working Party, having considered the text of Councillor Harris' amendment, as set out above, does not wish, at this time, to request the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Councillor Harris' proposed changes to the terms of reference of the Planning Committee and the Members' Referral Scheme for Planning Applications, as contained within the Members' Planning Code & Protocol, be approved and implemented. This is because of the imminent national review of planning delegations that is due to take place. However, Officers should be reminded of the principles underpinning working relationships as set out within the Protocol on Member and Officer Relations and the application of those principles to delegations to Officers.
- (2) the Working Party, having considered the text of Councillor Bray's amendment, as set out above, does not wish to request the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Councillor Bray's proposed changes to the order of business on Planning Committee agendas be approved and implemented. This is because the Chairman of the Committee already has the prerogative to change the order of business on the agenda if it will assist in the efficient conduct of the meeting."

2. Planning Committee: Terms of Reference and Members' Referral Scheme for Planning Applications – Further Matters

The Working Party was informed that, at its meeting held on 21 October 2024 (Minute 65 referred) Cabinet had considered a detailed report of the Housing and Planning Portfolio Holder (A.3), which had sought its agreement to adopt a policy statement on 'Biodiversity Net Gain' (BNG) which would serve as the Council's interim corporate position on the subject, pending detailed consideration as part of the forthcoming Local Plan review. Having an interim policy would enable the Council to respond positively and constructively in its consideration of BNG as part of the planning process; and in the consideration of proposals to set up 'Habitat Banks' by Tendring landowners and, potentially, on Council-owned land.

It had RESOLVED that Cabinet –

- 1) *notes the contents of this report which, amongst other things, explains the*

Council's obligations around Biodiversity Net Gain (BNG), the role of Habitat Banks and the potential consideration of Council-owned land for BNG purposes;

2) *agrees that proposed 'Policy on Biodiversity Net Gain (BNG)' (attached as Appendix 1 to the Portfolio Holder's report (A.1)) is adopted as the Council's interim corporate position pending the outcome of the Local Plan review, for the purposes of dealing with matters relating to BNG;*

3) *refers the aforementioned policy to the Planning Policy and Local Plan Committee for its consideration for inclusion in the Tendring District Local Plan as part of its current review;*

4) *invites the Planning Committee, at its earliest convenience, to consider and determine how it will exercise its power in respect of Council decisions on entering into legal agreements with landowners under Section 106 of the Town and Country Planning for the purposes of setting up Habitat Banks, guided by the aforementioned policy and the advice of Officers – including the extent to which the Committee deems it appropriate for such decision-making powers to be delegated to Officers; and any arrangements for public consultation on specific proposals; and*

5) *notes that the Portfolio Holder responsible for Housing and Planning in liaison with Officers will, in due course, consider and publish details of the fees to be charged to developers and landowners to cover the Council's costs in respect of monitoring BNG in line with its statutory obligations."*

It was hoped that the Planning Committee would carry out its considerations (as detailed in 4) above) at a meeting in March 2025.

It was also reported that several Members had requested to the Monitoring Officer that the Members' Referral Scheme for Planning Applications be extended to apply to householder applications, in exceptional circumstances, which currently were excluded. A Householder application was defined by TDC as follows:-

"A 'householder' application is an application to enlarge, expand, improve or alter an existing dwelling, to put up a boundary wall or fence for an existing dwelling or carry out an operation in the curtilage of an existing dwelling that is ancillary to the dwelling-house."

Examples of certain householder planning applications that the Members concerned would have wished to have been referred to the Planning Committee for its determination were relayed at the meeting.

The Working Party had AGREED:-

"(1) in principle, that the decision making powers in respect of Council decisions on entering into legal agreements with landowners under Section 106 of the Town and Country Planning for the purposes of setting up Habitat Banks under the Council's Biodiversity Net Gain (BNG) Policy should be delegated to Officers and that should any proposals forthcoming from the Planning Committee in due course, as to how it will exercise its powers and delegations et cetera in relation to BNG applications concur with the Working Party's view then the Corporate Finance & Governance Portfolio Holder will be authorised to submit those proposals to Full Council (via the

Cabinet) for approval; and

- (2) that it does not wish, at this time, to request the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that the Members' Referral Scheme for Planning Applications, as contained within the Members' Planning Code & Protocol, should now also apply to 'householder applications' but instead requests the Director (Planning and Communities) to consider the representations made by Members and to produce and circulate for comment to the Working Party pragmatic wording that would see Officers submitting certain 'householder applications' to the Planning Committee in very exceptional circumstances following representations from Members."

3. Planning Committee: Standard Template for Reports

The Working Party had been informed that the Head of Planning and Building Control had unilaterally proposed that the standard template used for reports to the Planning Committee be reviewed.

The Working Party had completely endorsed the Monitoring Officer's premise that any proposed changes to any Cabinet / Committee report template must go through the proper corporate review process.

To that end the Working Party had NOTED that any such revised Planning Committee report template arising from that review would be submitted to the Working Party for its consideration in due course.

4. Procurement Procedure Rules

The CRWP was made aware that the Cabinet was due to consider, at its meeting to be held on 21 February 2025, a report of the Assets and Community Safety Portfolio Holder which would update Cabinet on the progress of the collaboration procurement service, known as the Essex Procurement Partnership and which would seek approval for the Collaboration Agreement to be entered into, replacing the arrangement directly with Essex County Council and endorsing the proposed Procurement Strategy for the Essex Procurement Partnership, as the interim strategy for the Council.

Once the interim Procurement Strategy had been formally adopted by this Council, work would commence on a full-scale review. As part of that review the Procurement Procedure Rules would be revised. Those revised Procedure Rules would be submitted to the Working Party for its consideration in due course.

It was AGREED that –

- (1) the Working Party notes that, as part of the review of the Council's Procurement Strategy, revised Procurement Procedure Rules will be produced; and
- (2) the Working Party further notes that the above-mentioned revised Procurement Procedure Rules will be submitted to it for its consideration in due course.

5. Financial Procedure Rule 18 (State Aid)

The Working Party had been informed that Financial Procedure Rule 18 (State Aid) would be replaced in its entirety.

It was reported that the heading would be changed to “Subsidy Control” and the wording of that Procedure Rule would reflect the statutory provisions of the Subsidy Control Act 2022. That Act had introduced subsidy control regimes that set rules, procedures and processes that allowed public authorities to award subsidies to achieve public policy objectives, whilst also limiting the negative effects of subsidies on domestic and international competition and investment.

The Working Party had NOTED the foregoing.

6. Audit Committee – Independent Person

At the request of the Monitoring Officer, the CRWP had considered, inter alia, whether an Independent Person on the Audit Committee (once appointed) should be appointed as its Chairman.

The CRWP had been informed that CIPFA Guidance stated -

- *“The audit committees of local authorities should include co-opted independent members in accordance with the appropriate legislation. Where there is no legislative direction to include co-opted independent members, CIPFA recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise.*
- *“When selecting elected representatives to be on the committee or when co-opting independent members, aptitude should be considered alongside relevant knowledge, skills and experience.*
- *“The appointment of co-opted independent members on the committee should consider the overall knowledge and expertise of the existing members.”*

It had been reported that the Audit Committee, at its meeting held on 25 July 2024 (Minute 40 referred), had resolved inter alia:-

“in noting the action set out in Appendix A relating to the appointment of Independent Persons to the Audit Committee, endorses the approach of appointing at least two such people and requests Officers to review the arrangements necessary and presents an associated plan to the next meeting of the Committee;”

The Working Party was informed that the Audit Committee, at its meeting held on 26 September 2024 (Minute 47 referred), had resolved inter alia:-

“b) in respect of the appointment of an Independent Person(s) to the Audit Committee, the Committee:-

- i) notes and agrees the actions set out in this report;*
- ii) requests Officers to finalise a draft role / person specification and to make the necessary arrangements to consult with members of the Audit Committee as highlighted in the plan; and*
- iii) that the outcome of the above be presented to the meeting of the Committee due to be held in January 2025.”*

Members had been made aware that the draft role / person specification would now be presented to the Audit Committee in March 2025. Based on the outcome of the actions

above, the Audit Committee's recommendation would then be presented to Full Council in May 2025 (including, if necessary, to include a delegation to the Chief Executive to undertake any associated appointment process in consultation with the Audit Committee's Chairman).

The Working Party had AGREED, inter alia, that it did not wish to request the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that an Independent Person (once appointed) should be appointed to serve as the Chairman of the Audit Committee and, accordingly, the current position whereby the Chairman of that Committee is a Member of the Council be continued.

7. Article 10 (Area Committees and Forums)

The Monitoring Officer gave a verbal update to the CRWP on the changes being made to Article 10 in accordance with the outcome of the last review of the Council's Constitution and the delegated power that had been granted to her by Full Council.

The Monitoring Officer had informed the Working Party that she was no longer comfortable with exercising that delegated power in view of the passage of time that had elapsed. The Monitoring Officer would therefore submit the revised Article 10 in due course for the Working Party's consideration.

The Working Party was made aware that Article 10 was being revised to take into account matters such as:-

- (1) changed titles of bodies;
- (2) newly formed bodies e.g. the Clacton Town Board; and
- (3) the rectification of any previous omissions.

The CRWP had also been advised that, when receiving the revised details for Article 10 Forums. Consideration should also be given to the application of the principles from the Council's Community Engagement Strategy and the extent to which the article 10 arrangements met the expectations of that Strategy.

The Working Party had NOTED the foregoing.

8. Members' Allowances Scheme – Increase in Amounts Payable

The Working Party was informed that the amounts payable under the Council's adopted Members' Allowances Scheme would increase in April 2025 by 4.2% [provisional figure] in accordance with the Public Sector Pay Position at December 2024 compared with December 2023, which was the Council's adopted Index for such matters.

The CRWP NOTED the foregoing.

9. New Box within the standard template for Cabinet and Committee reports

The Working Party had been made aware that it was intended to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports. That new box would be headed "Devolution and Local Government Reorganisation Implications".

The Working Party had ENDORSED the foregoing.

MATTERS ARISING SINCE THE MEETING OF THE CRWP

Three separate matters that require amendments to the Constitution have arisen since the meeting of the CRWP namely:-

10. Amendments suggested by the Monitoring Officer and the Section 151 Officer

Financial Procedure Rules 6 and 16

Two technical amendments suggested to the Financial Procedure Rules by the Section 151 Officer:-

- (i) **Part 5.39 – Paragraph 6.14 No specific supplementary estimate approval is required at any time for the following (a)** to include the words “*or associated reserve*” following “*in advance holding account*”.
- (ii) **Part 5.61 – External Funding, include a new paragraph 16.5** with the additional wording “*Should an application for External Funding be successful, a separate recorded decision is required relating to acceptance of the funding, the terms and conditions and how the funding will be used. Such decision will take into consideration all the necessary implications in the required format.*”

*The proposed changes to the Financial Procedure Rules are shown in **GREEN** in Appendix I.*

Overview and Scrutiny Procedure Rules (Part 5.31)

To ensure the exemption to Call-in (as set out in Rule 18) applies to the executive decisions taken at Cabinet meetings, or by individual Cabinet Members or by Officers (who are making a Key Decision as defined in Article 13.03), as defined in Rule 17.

Rule 18 - EXCEPTIONS TO CALL-IN

To be amended as shown below in italics:

The call-in procedure set out above shall not apply in respect of ~~Cabinet decisions~~ “*executive decisions taken at Cabinet meetings, or by individual Cabinet Members or by Officers (who are making a Key Decision as defined in Article 13.03), as defined in Rule 17*”.

*The proposed changes to the Overview & Scrutiny Procedure Rules are shown in **GREEN** in Appendix G.*

Scheme of Delegated Powers – Schedule 2 – Responsibility for Council (Non-Executive) Functions – GENERAL MATTERS/PRINCIPLES (Part 3.6)

Consistency on the principles applying to Officers exercising delegated powers for both Executive (Part 3.46) and Non-Executive functions (ensuring the same wording is used and emphasising the discharge of these functions by Officers is subject to criteria); and

Extend the wording in paragraph 7, to include “*in addition, to the legal obligations to record the decision in the required format.*”

The proposed changes to the Scheme of Delegated Powers – Schedule 2 – Responsibility for Council (Non-Executive) Functions – GENERAL

MATTERS/PRINCIPLES (Part 3.6) are shown in **GREEN** in **Appendix J**.

11. Minor clarification required to Officers exercising an discretion on the Members' Referral Scheme under the Planning Committee's Terms of Reference

(viii) The Director (Planning), or other authorised Officer, **following** consultation with the Chairman of the Planning Committee and the Planning Solicitor, **can may** allow a Member's referral request that is received after the 35 day cut-off if they are satisfied that the request could not have reasonably been submitted before the deadline and that in all other respects it meets the requirements for a valid referral.

(NOTE: an Officer decision will be required in exercising this discretion to allow or refuse with reasons being produced and published to the Council's website.)

12. Leader of the Council's Proposed changes to the Executive Functions - Scheme of Delegation covering the Traffic Regulation Order process

Part 3 – Schedule 3 – Executive Functions states:

4.1 THE CABINET COLLECTIVELY (Part 3.30)

The following details the broad principles of issues that are the responsibility of the Cabinet and which shall be considered by the Cabinet collectively at public meetings:

Paragraph 9 - Power to consider objections received and then determine proposed Traffic Regulation Orders under the Road Traffic Regulations Act 1984 (as amended). All such objections to be determined at a public meeting of the Cabinet.

This means that if any objections are received, consideration should go to Cabinet and not be determined by the Portfolio Holder on their own.

4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS

Leisure and Public Realm

2. Proposals for and approve the making of traffic regulation orders where no objections are received.

This covers the situation where no objections are received. In both circumstances, a Decision would be required with reasons for selecting the Traffic Regulation Orders (TROs) and proceeding, if objections were received, these would be set out in a Cabinet Report.

On the basis that the initial process in the selection of TROs does require local consultation to be carried out, the proposals are sent onto the North Essex Parking Partnership to undertake the formal process, including consultation. Therefore, upon review, the Leader of the Council does not feel that initial objections to a proposal should be considered by the Cabinet, in its strategic responsibility. Whilst the Leader does have the authority to amend the Scheme of Delegation for Cabinet, he wishes to seek full Cabinet's approval to the change of practice to allow the Portfolio Holder to deal with all initial TRO requests, making published decisions with reasons, whether objections are received or not, as these ultimately go onto the NEPP in any event. Any Executive Decision made either by Cabinet or an individual Portfolio Holder is subject to call in, upon certain criteria applying. This delegation would not apply to any TROs within the

relevant Portfolio Holder’s ward, and in such cases, these will be referred to the Leader to make the decision.

Leader’s Proposal:-

Paragraph 9 (as stated above) would be deleted from the Cabinet’s collective responsibility. The delegated power to the Leisure and Public Realm Portfolio Holder would be amended to the following:

“The selection and rejection of proposals for the making of traffic regulation orders being submitted to the North Essex Parking Partnership will be authorised by the Portfolio Holder, whether objections have been received to initial proposals. Reasons for such selection or rejection will be published following consultation with the relevant ward councillor. Such delegation cannot be exercised for proposed traffic regulation orders within the Portfolio Holder for Leisure and Public Realm’s ward and in such cases, would be referred to the Leader for determination.”

PREVIOUS RELEVANT DECISIONS

Meeting of the Council – 19 March 2024 - Minute 139 (Joint Report of the Monitoring Officer and the Cabinet - A.3 - Annual Review of the Council's Constitution) – Resolution (c) – “Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council’s Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Notes of the meeting of the Review of the Constitution Portfolio Holder Working Party held on 19 February 2025.

APPENDICES

A.4

APPENDIX A	Part 2	Articles of the Constitution – Article 2 (Members of the Council)
APPENDIX B	Part 2	Articles of the Constitution – Article 3 (Citizens and the Council)
APPENDIX C	Part 3	Section 4.2.2 (Role of Leader and individual Portfolio Holders) – Schedule 3 (Responsibility for Executive Functions)
APPENDIX D	Part 4	Council Procedure Rule 11 (Questions by Members)
APPENDIX E	Part 4	Council Procedure Rule 16 (Rules of Debate)
APPENDIX F	Part 4	Council Procedure Rules 33.3, 34.2 and 34.3 – Training Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees; Eligibility and Effect (Appointment of Substitute Members; and Training Substitute Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and

		Standards Committees
APPENDIX G	Part 5	Overview and Scrutiny Procedure Rules – Amendments to Rules 16 (Attendance by Others) and 18 (Exceptions to Call-In)
APPENDIX H	Part 3	Planning Committee Terms of Reference
APPENDIX I	Part 5	Financial Procedure Rules
APPENDIX J	Part 3	Scheme of Delegated Powers – Schedule 2 – Responsibility for Council (Non-Executive) Functions – General Matters/Principles
APPENDIX K	Part 3	Schedule 3 – Executive Functions - Scheme of Delegation covering the Traffic Regulation Order process
REPORT CONTACT OFFICER(S)		
Names	<ul style="list-style-type: none"> (1) Ian Ford (2) Keith Simmons (3) Lisa Hastings 	
Job Titles	<ul style="list-style-type: none"> (1) Committee Services Manager (2) Head of Democratic Services & Elections (3) Director (Governance) & Monitoring Officer 	
Email/Telephone	<p>iford@tendringdc.gov.uk (01255) 686 584</p> <p>ksimmons@tendringdc.gov.uk (01255) 685 580</p> <p>lhastings@tendringdc.gov.uk</p>	

A.4 APPENDIX A

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) **Composition**

The Council comprises 48 members, otherwise called Councillors. One or more Councillors will be elected by the voters in Wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England, and approved by the Secretary of State.

(b) **Eligibility**

Only registered voters of the District, or those living or working there, will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular elections.

2.03 Roles and Functions of all Councillors

(a) **Key roles. All Councillors will:**

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;
- (iii) Effectively represent the interests of their ward and of individual residents;
- (iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;
- (v) Be involved in decision-making for the people of the District as a whole;
- (vi) Be available to represent the Council on other bodies; and
- (vii) Contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

(b) **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Members are entitled to receive information from Officers in a timely manner to reasonable requests for the purposes of undertaking their role as Ward Councillors, decision makers and performing functions, such as overview and scrutiny (**this is referred to as the common law ‘need to know’ principle**). Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

However, if the member’s motive for seeing documents is indirect, improper or ulterior, this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on ‘fishing expeditions’ through their council’s documents. If a councillor is a member of a particular committee or sub-committee then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why sight of them is necessary to perform their duties (See R V Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603).

- (iii) Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iv) For these purposes “confidential” and “exempt” information is defined in the Access to Information Rules in Part 5 of this Constitution.
- (v) **It is a duty of Councillors to undertake all relevant training and to keep themselves up-to-date on such training.**

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and protocols set out in Part 6 of this Constitution.

Councillors are also expected to comply with the requirements of any risk assessments issued by the Council in performance of their functions

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 7 of this Constitution.

2.06 Members’ Training / Development Records

The training / development records of Members will be centrally held by the Council’s Monitoring Officer through the Leadership Support Team. Members’ training / development will be organised and facilitated through that Team.

A.4 APPENDIX B

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

The rights to information are explained in more detail in the Access to Information Rules in Part 5 of this Constitution. Other rights include:

(a) **Voting and petitions:**

People on the Electoral Register for the District have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information**

The public have a right to:

- (i) Attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed (Committees for this purpose do not include Working Parties/Groups and/or Task and Finish Review Groups);
- (ii) Attend meetings of the Cabinet when key decisions are being considered;
- (iii) Find out from the Council's website what key decisions will be taken by Cabinet and when;
- (iv) See reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) In accordance with the published timescales inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation**

The public have a right to participate by submitting written questions to Full Council meetings and contribute to investigations by the Overview and Scrutiny Committees. The public can also participate at meetings of the Planning Policy & Local Plan Committee and the Planning Committee in accordance with the relevant Public Speaking Schemes. **The public can also submit a petition to the Council under the Council's adopted Scheme for dealing with Petitions.**

(d) **Complaints**

The public have a right to complain to:

- (i) A Ward Councillor;
- (ii) The Council itself under its Complaints Scheme, details of which are available on the Council's website;

- (iii) The Local Government and Social Care Ombudsman, after using the Council's own Complaints Scheme;
- (iv) The Housing Ombudsman;
- (v) The Monitoring Officer about a breach of the Council's Code of Conduct (which sets out the standards of behaviour expected of a Councillor and is contained within Part 6 of this Constitution). The Complaints Procedure is available on the Council's website.

3.02 Citizens' Responsibilities

At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.

A.4 APPENDIX C

4.2.2 Role of Leader and Individual Portfolio Holders

In addition to the general principles set out in Section 3 above, the role of individual Portfolio Holders with areas of responsibility is as follows:-

1. To have overall responsibility for the development, implementation and review of Strategies and District Council Policy in relation to their portfolios and to be the main Council spokesperson thereon.
2. To monitor service performance regarding progress towards achieving strategies and objectives and delivery of service performance targets within approved budgets.
3. To satisfy themselves as the integrity of financial information and the adequacy of financial controls and risk management arrangements.
4. To represent and speak on behalf of the Cabinet at the Overview and Scrutiny and Audit Committees when they are dealing with issues in their portfolio.
5. To be a member of the Cabinet and exercise collective responsibility in decision making and in making recommendations to the Council.
6. To consult with the Committees, other Members, partners and stakeholders including the public as appropriate in the formulation and development of Council policy within their portfolio.
7. To inform and consult relevant ward Members when making formal decisions.
8. To make decisions in accordance with the Council's Strategies, Policies, Procedures, Protocols and Codes of Conduct or as otherwise required by the Constitution.
9. **To undertake all relevant training provided to aid them in carrying out their duties and responsibilities as Portfolio Holders and to keep themselves up to date on such training.**

A.4 APPENDIX D

COUNCIL PROCEDURE RULES

11. QUESTIONS BY MEMBERS

11.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports or References from the Cabinet or Minutes of Committees

A Member of the Council may ask the Leader or a Member of the Cabinet any question without notice about any statement made by the Leader or a Member of the Cabinet to the Council when that item is being received.

A Member of the Council may ask the Leader or a Member of the Cabinet or the Chairman of a Committee any question without notice upon a report or recommendation of the Cabinet or the minutes or reference from a Committee when that item is being received by the Council.

Supplementary Questions will not be permitted under this rule.

11.2 Scope of Questions on Notice at Full Council and Time Allocated in the Meeting

Subject to Rules 11.3, 11.4 and 11.5 a Member of the Council may ask:-

- the Chairman;
- a Member of the Cabinet; and
- the Chairman of any Committee;

a question on any matter, which is within their area of responsibilities as set out in Part 3 of the Constitution, in relation to which the Council has powers or duties or which affects the Tendring District.

Only the text of the Questions will be included within the full Council Agenda and in the order in which the questions from Members were received. None of the accompanying preamble or explanatory statements (if any) submitted by the Questioner(s) will be so included.

The time allocated for receiving and disposing of questions shall be a maximum 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. The Question(s), together with the relevant written response(s), will also be published to the Council's website and will also be reported to the next meeting of the Council, as an "information only item", by the Committee Services Manager. The provisions of this paragraph will also apply in those instances when the full Council meeting has had to be cancelled.

Questions shall not be submitted to the Annual Meeting of the Council or to an Extraordinary Meeting of the Council or to the Budget and Council Tax setting meeting of the Council.

11.3 Notice of Questions

A Member may only ask a question under Rule 11.2 if either:

- (a) notice has been given by delivering it in writing (or by personal e-mail) to the Committee Services Manager no later than midday 8 (eight) working days before the day of the meeting; or
- (b) the question relates to urgent matters, he has the consent of the person to whom the question is to be put and the content of the question is given to the Committee Services Manager by noon on the day of the meeting.

11.4 Number of Questions

At any one meeting no Councillor may submit more than two questions.

11.5 Reasons for rejection of Questions

- (a) the question is not about a matter for which the local authority has responsibility or which affects the District;
- (b) The Monitoring Officer will reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information (as defined in the Access to Information Procedure Rules);
- (c) the Monitoring Officer will reject a question if in their judgment it is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- (d) The Monitoring Officer will reject a question if in their judgement it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (e) The Monitoring Officer will reject a question if in their judgement it is likely to lead to a breach of the Members' Code of Conduct~~or~~; or
- (f) the question is about a matter that is subject to call in or ongoing legal proceedings.

11.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where a reply cannot conveniently be given orally, a written answer given later to all Members.

The Member giving the response must provide an electronic or written copy of that response to the Committee Services Manager by Noon on the day of the meeting in order to enable the

response to be circulated to the Questioner, the Chairman of the Council, the Leader of the Council and relevant Officers.

11.7 Recording of Questions and Responses and Questions of Clarification

After the response has been given to a Question on Notice, the Member who asked the question may ask one question, of which no notice is required. That question must solely relate to clarifying the response received. No statements or other form of question will be allowed. The ruling of the Chairman on the admissibility of the question is final.

The minutes of the meeting will record the text of the question plus any preamble or supporting statement (if any) together with the response given thereto and that, if appropriate, a question of clarification and a response was asked and given, without detailing the content.

11.8 Time Limits for Asking/Answering Questions

The time limit for asking each question (including any preamble or statements in support) is two minutes and the time limit for each reply is three minutes.

11.9 Withdrawal of Question

A Member may withdraw their question by giving notice of their wish to do so to the Committee Services Manager prior to the commencement of the meeting at which their question is to be put.

Once the meeting has commenced a Member may withdraw their question with the consent of the Chairman.

A.4 APPENDIX E

COUNCIL PROCEDURE RULES

16. RULES OF DEBATE

16.1 No Speeches until Motion Seconded

No speeches may be made after a motion has been proposed and explained until it has been seconded. However, a motion that the recommendations from Cabinet or references from the relevant Committee shall be adopted need not be seconded.

A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of debate, subject to Rule 16.10 – Closure Motions.

16.2 Right to Require Motion or Amendment in Writing

Unless notice of the motion or amendment has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

16.3 Content and Length of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. No speech (including those to move motions) shall exceed three minutes except with the consent of the Council. This does not apply to the statement by the Leader on the State of the District and the Leader's presentation of the budget.

16.4 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move or second a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);
- (d) in exercise of a right of reply;
- (e) on a point of procedure; and/or
- (f) by way of personal explanation.

16.5 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and either be:

- (i) to refer the matter to the Cabinet or relevant Committee for consultation, further information on the implications of the potential decision to be researched and submitted, consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words

as long as the effect of (ii), (iii) or (iv) is not to negate the motion or introduce a new subject matter into the motion before the Council. In addition, any amendment proposed to be made that may have budgetary implications must have been submitted to the Council's Section 151 Officer at least two working days before the Full Council meeting to enable them to consider the implications for the Council's Finances.

Furthermore, no amendment will be accepted that could bind or fetter the Executive or a Committee in relation to matters that are within the responsibility of the Executive or a Committee of the Council.

- (b) Any amendment proposed to be made to the Cabinet's budget proposals must have been submitted to the Council's Section 151 Officer at least two working days before the Budget Full Council meeting(s) to enable them to consider the implications for the budget.
- (c) Any Member wishing to move an amendment or alternative recommendation to those made by the Independent Remuneration Panel in respect of the Members' Scheme of Allowances must have submitted their proposals to the Council's Section 151 Officer and the Monitoring Officer at least two working days before the relevant Full Council meeting to enable them to consider the legal and financial implications. Any such amendment or alternative recommendation must be accompanied by the reasons for departing from the IRP's recommendations. Once deemed to be valid by the Monitoring Officer it will be immediately circulated by email to all Members of the Council. Copies of such amendment or alternative recommendation(s) will also be placed on Members' tables prior to the commencement of the Council meeting.
- (d) Only one amendment may be moved and discussed at any one time. Subject to Rule 16.10 no further amendment may be moved until the amendment under discussion has been disposed of. However the Chairman may permit a Member to give formal notice of the terms of any further amendment which he proposes to move at a later stage in the proceedings.
- (e) A member may withdraw their proposed amendment with the consent of the seconder.
- (f) If an amendment is not carried, other amendments to the original motion may be moved.

- (g) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (h) After an amendment has been carried, the Chairman will read out the substantive motion before accepting any further amendments, or if there are none, put it to the vote.

16.6 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the seconder.
- (b) A Member may alter a motion that he has moved without notice with the consent of the seconder.
- (c) Only alterations that could be made as an amendment may be made. **This includes any amendment made at the meeting by another Member.**

16.7 Withdrawal of Motion

A Member may withdraw a motion that he has moved with the consent of the seconder unless it is the subject of an amendment. No Member may speak on the motion after the mover has withdrawn it.

16.8 Right of Reply

- (a) The seconder of a motion (including the seconder of a motion on which an amendment has been moved), the mover of a motion (including the mover of a motion on which an amendment has been moved) and the seconder and the mover of an amendment have a right of reply at the end of the debate on the motion or amendment. Following this, the appropriate Portfolio Holder or the Chairman of the relevant Committee shall have the right to speak on the motion or amendment immediately before it is put to the vote. Where the mover of the motion or amendment was the Leader of the Council, he shall have the final right to speak.
- (b) A Member exercising a right of reply shall confine his remarks to answering the arguments employed or observations made during the debate and shall not introduce any new matter.
- (c) The right of reply of the seconder of a motion or amendment (as referenced in (a) above) will only apply if the seconder has not already spoken during the debate on the motion or amendment in question.

16.9 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motion:

- (a) to withdraw a motion;

- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time for speeches;
- (h) to give any consent required by these procedure rules;
- (i) to suspend one or more of the procedure rules;
- (j) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (k) that a Member named under Rule 23.3 below (Disorderly Conduct), not to be heard further or to exclude them from the meeting under Rule 23.4.

16.10 Closure Motion

- (a) A Member may move, without comment, the following motions at the conclusion of a speech of another Member;
 - (i) That the Council proceed to the next business;
 - (ii) That the question now be put;
 - (iii) That the debate now be adjourned; or
 - (iv) That the Council does now adjourn; or
 - (v) That the matter be referred to the Cabinet or a Committee(s) in accordance with the responsibility of functions and the defined terms of reference.
- (b) On the seconding of which the Chairman shall, unless in their opinion the matter before the meeting has been insufficiently discussed, proceed as follows:
 - (i) On a motion to proceed to the next business or to refer the matter to the Cabinet or a Committee(s): they shall first give the seconder and the mover of the original motion their right of reply, under Rule 16.8 above, and then put to the vote the motion to proceed to the next business or to refer the matter;
 - (ii) On a motion that the question now be put: they shall put to the vote the motion that the question now be put, and if it is passed then the Chairman will give the seconder and the mover of the original motion their right of reply under Rule 16.8 above before putting their motion to the vote;
 - (iii) On a motion to adjourn the debate or the meeting: they shall put the adjournment motion to the vote without giving the seconder and the mover of the original motion their right of reply on that occasion.

16.11 Point of Procedure

A Member may raise a point of procedure at any time. The Chairman will hear him immediately. A point of procedure may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

16.12 Personal Explanation

A Member has the right to make a personal explanation when directly related to some material part of an earlier speech by the Member if it appears to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

A.4 APPENDIX F

COUNCIL PROCEDURE RULES

33. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES/VACANCIES IN CHAIRMANSHIP

33.1 General

Subject to the rules of political proportionality, as provided in the Local Government and Housing Act 1985 (Section 15) and the Local Government (Committees and Political Groups) Regulations 1990, and Rule 33.2 below, Full Council (usually at its Annual Meeting) will appoint Committees and Sub-Committees in accordance with the Local Government Act 1972 (Section 102).

33.2 Eligibility

Subject to the provisions of Rule 33.3 below the eligibility requirements with regard to membership of Committees and Sub-Committees are as follows:-

Overview and Scrutiny Committees

All Councillors except Cabinet members may be members of the Overview and Scrutiny Committees.

Audit Committee, Human Resources and Council Tax Committee, Licensing and Registration Committee, Planning Policy & Local Plan Committee, Planning Committee and Miscellaneous Licensing Sub-Committee

All Councillors may be members of these Committees.

The members of the Miscellaneous Licensing Sub-Committee must also be members of the parent Licensing and Registration Committee.

CIPFA Guidance recommends that the membership of the Audit Committee should not cross-over with either the Executive or Scrutiny functions. However, Officers' advice is that if Members feel that cross membership is necessary then this should be limited to one member from each of the Executive or Scrutiny functions. The Chairman of the Audit Committee should not be a member of the Cabinet.

Standards Committee

All Councillors may be members of this Committee except that no more than one member of the Committee shall be a member of the Cabinet (and that member cannot be the Leader of the Council). In addition, no Leaders of Political Groups can be members of that Committee.

Premises/Personal Licences Sub-Committee

The membership of this Sub-Committee is appointed on an ad hoc basis from the membership of the Licensing and Registration Committee.

33.3 Training Members of the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees

In addition to specific training required as and when necessary, training shall be provided to all Members appointed to the Audit, Human Resources and Council Tax, Licensing and Registration, Overview and Scrutiny, Planning and Standards Committees **and the Licensing Sub-Committees** on an annual basis at an appropriate date and time after each annual meeting of the Council and such training shall be mandatory. ~~The Monitoring Officer shall define what is meant by the word “mandatory” and they will also decide whether the training offered/provided is/was sufficient and “fit for purpose”.~~

A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications.

A Member cannot sit as a member of the Licensing and Registration Committee **or its Sub-Committees** unless they have received **the** specific training with regard to the broad range of licensing matters **(or the specific training to the subject matter of the Sub-Committee)** as set out within (but not necessarily limited to) the Licensing Act 2003, the Gambling Act 2005 and the Local Government (Miscellaneous Provisions) Act 1982.

A Member cannot sit as a member of the Audit Committee unless they have received specific training with regard to the determination of the Council's Statement of Accounts and comprehension of Auditor reports.

A Member cannot sit as a member of the Standards Committee unless they have received specific training with regard to the Hearings Procedure and participation in Hearings.

A Member of the Human Resources and Council Tax Committee cannot sit as a member of a Personnel Appeals Sub-Committee of that Committee unless they have received specific training with regard to determining Employment appeals (for specific senior officer posts)

A Member cannot sit as a member of an Overview and Scrutiny Committee unless they have received specific training with regard to work programming and questioning skills.

No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events.

The Monitoring Officer is authorised to approve alternative arrangements for training to enable Members to attend and take part in the business of the agenda for a particular meeting. Members training records are held by the Monitoring Officer.

33.4 Resignation of Chairmanship Etc.

Any Chairman, Vice-Chairman or Member of a Committee, Sub-Committee or Working Party may at any time, by notice in writing or personal email delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.

33.5 Casual Vacancies

In the case of a casual vacancy in the office of a Chairmanship or Vice-Chairmanship of a Committee, Sub-Committee or Working Party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.

34. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

34.1 General

Substitute members may attend, speak and vote at meetings of Committees and Sub-Committees of the Council, subject to Rules 33.3 and 33.4. In the case of the Overview and Scrutiny Committees, such Substitute Members may not be Members of the Cabinet. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

34.2 Eligibility and Effect

A Substitute shall belong to the same political group (as defined in the Local Government and Housing Act 1989) as the Member for whom he is a Substitute. Substitution by, or of, Members not in a political group is not permitted.

Only the Member being substituted or their Group Leader (or Deputy) can appoint substitute members. Notification of a substitute from the Member being substituted or their Group Leader (or Deputy) must be given to Committee Services prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is received, the Group Leader (or Deputy's) request will take precedence.

In those circumstances where the Member who wishes to be substituted has recently left one political group and joined another or if they have moved to a non-aligned position and in the absence of a review of the allocation of seats to political groups, the seat remains within the control of the Member's previous Group then it shall be for the Leader of that Group to appoint a substitute.

The substitution will be in effect for the whole of the meeting (including any part thereof that is adjourned to, and subsequently considered at, a later date). The Substituted Member must not take their seat.

34.3 Training Substitute Members of the Audit, Human Resources and Council Tax, Licensing & Registration, Overview & Scrutiny, Planning and Standards Committees

In addition to specific training required as and when necessary, training shall be provided to all named Substitute Members appointed to the Audit, Human Resources & Council Tax, Licensing and Registration, Overview & Scrutiny, Planning and Standards Committees **and the Licensing Sub-Committees** on an annual basis at an appropriate date and time after each annual meeting of the Council.

The Monitoring Officer is authorised to approve alternative arrangements for training to enable Members to attend and take part in the business of the agenda for a particular meeting.

34.4 Substitute Members of the Audit, Human Resources & Council Tax, Licensing & Registration, Overview & Scrutiny, Planning and Standards Committees and the Licensing Sub-Committees

Group Leaders shall, provide named Substitute Members (in accordance with proportionality rules) and all substitutions will only be permitted from this list. Any member of a political group shall be eligible to act as a named Substitute Member providing that they have received training in relation to all relevant Audit, Human Resources & Council Tax, Licensing & Registration, Standards-related, Overview & Scrutiny or Planning matters under a continuing programme arranged by the Council. When naming a designated substitute, Group Leaders shall, as far as reasonably practicable, satisfy themselves that the named Member is as conversant with all relevant Audit, Human Resources & Council Tax, Licensing and Registration, Standards-related, Overview & Scrutiny and Planning matters as the appointed members of those Committees.

34.5 Substitute Members of the Premises/Personal Licences Sub-Committees

Substitutes for Members of the Premises/Personal Licences Sub-Committee shall be made from the appointed membership of the Licensing & Registration Committee. Such substitute need not be a Member of the same political group and the provisions of Rule 34.2 shall not apply.

The Committee Services Manager will, at the request of the Group Leader of a member of the Premises/Personal Licences Sub-Committee or at the request of the Member concerned, appoint a Substitute from amongst the appointed Membership of the Licensing & Registration Committee who should have received training in relation to licensing under a continuing programme arranged by the Council. Such request need not be in writing.

The Committee Services Manager will ensure that a fourth or standby Member, drawn from amongst the appointed membership of the Licensing & Registration Committee, is present at every meeting of the Premises/Personal Licences Sub-Committee. Such Member shall act as a member of the Sub-Committee in the event that one of the three Sub-Committee members becomes unable to act due to e.g. illness, conflict of interest.

A.C APPENDIX G

OVERVIEW AND SCRUTINY PROCEDURE RULES

16. ATTENDANCE BY OTHERS

Each Overview and Scrutiny Committee may, in so far as it relates to matters within their terms of reference, invite people other than those referred to in paragraph 15 above to address them, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. Attendance by those invited is entirely optional but encouraged in the spirit of partnership working and community engagement.

Ward Members will be invited to attend before the Committee if there is an item on the agenda that is specific to their Ward and shall have the facility to address the Committee and/or answer Members' questions.

All such invitations will be made through the Head of Democratic Services & Elections, in his capacity as the Council's designated Scrutiny Officer (Article 12 of the Constitution), so that a consistent and co-ordinated approach to invitations can be maintained. All such requests from individual Members shall be referenced to the Head of Democratic Services & Elections. This approach shall be followed in respect of less formal overview and scrutiny enquiries (such as through task and finish groups).

18. EXCEPTIONS TO CALL-IN

The call-in procedure set out above shall not apply in respect of ***executive decisions taken at Cabinet meetings, or by individual Cabinet Members or by Officers (who are making a Key Decision as defined in Article 13.03), as defined in Rule 17*** Cabinet decisions regarding the following:

(i) Urgent Decisions

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person, or body, the decision is an urgent one and why, and therefore not subject to call-in.

The Chairman of the relevant Overview and Scrutiny Committee must agree that the proposed decision is reasonable in all its circumstances and that it should be treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

Decisions taken as a matter of urgency and exempted from call-in must be reported by the Leader to the next practicable ordinary meeting of the Council, together with the reasons for urgency.

(ii) Other Exceptions

- (a) “Provisional” or “in principle” decisions where the issue is to be referred to an Overview and Scrutiny Committee for comment.
- (b) Decisions taken under the “Special Urgency” procedure as provided for in Access to Information Procedure Rule 15.
- (c) Recommendations from Cabinet to Council.
- (d) Decisions by the Cabinet where the issue has been referred to them by the Council or an Overview and Scrutiny Committee for their view or comment shall not be subject to call-in.
- (e) Unless the decision has taken into account new material considerations arising since the original consultation with the Council or an Overview and Scrutiny Committee a decision by the Cabinet in response to such consultation shall not be subject to call-in.
- (f) Where Full Council has delegated to the Cabinet the ability to approve additional information in respect of the Corporate Plan to ensure that statutory publishing deadlines are met, such decisions shall be construed as urgent for the purposes of Rule 18(i) above. In such circumstances the Chairman of the relevant Committee, or other Chairman or Vice-Chairman so authorised to act in his absence, will only be required to agree that the proposed decision is reasonable in all the circumstances.
- (g) Appointment by the Leader of the Council of Members to serve on the Cabinet as Portfolio Holders.**

- (iii) The operation of the provisions relating to call-in and urgency shall be monitored in accordance with Article 15 of this Constitution and a report submitted to Council with proposals for review if necessary.

A.4 APPENDIX H

Committee	Functions and Terms of Reference	Delegated Functions
<p>Planning Committee</p>	<p>The discharge of the Town and Country Planning Conservation functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to part 3 of the Constitution.</p> <p>Additional roles and functions of the Committee are as set out below:</p> <ol style="list-style-type: none"> 1. Any formal comment or view on applications or proposals to be determined by Essex County Council, any Statutory Body and government departments relating to matters within the remit of the Committee. 	<p>1. All planning (including all prior approval applications), enforcement, building control and conservation matters delegated to the Director (Planning & Community) <u>except</u> in relation to the determination of certain planning applications as detailed below for determination by the Committee:</p> <ol style="list-style-type: none"> (i) Officer recommendation for approval is materially contrary to adopted national and/or adopted local policy, with the exception of where the initial departure within two years has already been agreed by reason of a previous grant of planning permission or prior approval (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same red line site which would not be considered by the Director (Planning & Community) to alter the previous material planning considerations. (ii) Officer recommendation of approval is contrary to a previous refusal by the Planning

		<p>Committee in the last two years, where the policies, site and proposed development remain substantially unchanged.</p>
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		<p>(iii) Officer recommendation of approval and the application should be referred to the Secretary of State under a Direction(s) or "call in".</p> <p>(iv) The applicant is the Council or someone acting as applicant on the Council's behalf or in respect of Council owned land unless the application is recommended for refusal.</p> <p>(v) The applicant is a Member of the Council or a member of permanent staff employed by TDC within Planning Services or Legal Services, or they are one of the Council's senior managers as determined by the individual Services, and there is an Officer recommendation for approval.</p> <p>(vi) Within 35 days of the commencement of formal consultation, a written request is received from a Tending District Councillor, who is not a serving member of the Planning Committee (unless the member of the Planning Committee is</p>
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		<p>making that request solely in their capacity as a Ward Member for the application in question), in accordance with the Member Referral Scheme (*), requesting that the planning application should be brought before the Planning Committee for determination and giving material planning reasons for that request. Call in arrangements do not apply to householder applications and any application type that would result in deemed approval if not determined in time, including prior approval applications.</p>
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		<p>(vii) Within 35 days of the commencement of formal consultation, a written request is received from a serving member of the Planning Committee, in accordance with the Member Referral Scheme(*), requesting that the planning application should be brought before the Planning Committee for determination and providing compelling reasons why it could be considered of significant importance to the wider District or Planning Policy. Call in arrangements do not apply to householder applications and any application type that</p>
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		<p>would result in deemed approval if not determined in time, including prior approval applications.</p> <p>(*) Scheme to be approved by Full Council.</p> <p>(viii) The Director (Planning & Community), or other authorised Officer, in following consultation with the Chairman of the Planning Committee and the Planning Solicitor, may can allow a Member's referral request that is received after the 35 day cut-off if they are satisfied that the request could not have reasonably been submitted before the deadline and that in all other respects it meets the requirements for a valid referral.</p> <p><i>(NOTE: an Officer decision will be required in exercising this discretion to allow or refuse with reasons being produced and published to the Council's website.)</i></p>
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		<p>(ix) Any application which the Director (Planning), in their professional opinion, taking into account the written representations received, plans and policies and other material considerations decides should be</p>
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		<p>referred to the Planning Committee because it raises more than significant local issues.</p> <p>2. The Director (Planning), in consultation with the Chairman of the Planning Committee, may extend the time for the completion of a Section 106 Agreement for two further periods of six months at which point it would need to return to the Planning Committee for a decision as to whether to further extend the time or instead to now refuse planning permission on the grounds that the Section 106 Agreement had not been completed.</p>
	<p><i>The discharge of the Miscellaneous functions – Part 1 – relating to Public Rights of Way, within the District Council’s responsibility as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p><i>The discharge of the following Miscellaneous functions – Part II – relating to hedgerows, trees and hedges as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution</i></p>	<p>All public rights of way matters delegated to the Corporate Director} (Operations and Delivery)</p> <p>All hedgerows, trees and hedges matters delegated to the Director (Planning)</p>

A.4 APPENDIX I – FINANCIAL PROCEDURE RULES

6. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL

6.1 Supplementary Estimates

6.1.4 No specific supplementary estimate approval is required at any time for the following:

- (a) Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 receipts in advance holding account **or associated reserve** where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (b) Debt written off for which specific provision was made in the Council's bad debt provision at the end of the previous financial year.
- (c) Expenditure on a specific activity that has previously been approved in accordance with the Council's constitution and for which the funding of that expenditure in future years has been placed in a dedicated earmarked reserve, and the expenditure is to be financed by the use of that reserve. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (d) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years.

16. EXTERNAL FUNDING

16.1 External funding refers to applications to external organisations, including Government departments and agencies for the funding of expenditure. The expenditure may be for the Council's own services or for those services provided in partnership with other public bodies, voluntary sector bodies or private sector organisations.

16.2 In any partnership arrangement the Chief Financial Officer must ensure that there are adequate controls in place in respect of the Council's own financial liabilities to the partnership and that there are adequate controls in place for the partnership itself.

16.3 Any application for external funding to finance or contribute to the financing of a function, investment or activity for which the Council is either the sole provider or is the accountable body must be approved by Management Team following consultation with the Chief Financial Officer to ensure the external funding being sought is in accordance with the Council's priorities and not an additional impact on resources. Such approval will be recorded with an Officer Decision.

- 16.4** When making application for payment of funds from the body awarding the grant it is a statutory obligation that all figures in the claim be supported by adequate, and comprehensive working papers. All such working papers will be in a format and detail as determined by the Chief Financial Officer.
- 16.5** *Should an application for External Funding be successful, a separate recorded decision is required relating to acceptance of the funding, the terms and conditions and how the funding will be used. Such decision will take into consideration all the necessary implications in the required format.*

A.4 APPENDIX J

Schedule 2

Responsibility for Council (Non-Executive) Functions

GENERAL MATTERS/PRINCIPLES

Detailed below are the general matters/principles which underpin the Council's scheme of delegation in respect of non-executive functions.

7. The delegation of powers to Officers is underpinned by the principle and culture of consultation and liaison with Members, as appropriate and the ability for Officers to refer matters to the relevant decision-making body, where it is felt that this is appropriate due to the nature of an issue **in addition, to the legal obligations to record the decision in the required format.**

A.4 APPENDIX K

Schedule 3

Responsibility for Executive Functions

4.1 THE CABINET COLLECTIVELY

The following details the broad principles of issues that are the responsibility of the Cabinet and which shall be considered by the Cabinet collectively at public meetings:

TERMS OF REFERENCE

To be responsible for Community Leadership for the District of Tendring. To lead the preparation of the District Council's policies and budget. To take decisions on resources and priorities together with other stakeholders and community partners as appropriate, and to deliver and implement the budget and policies decided by full Council. To be the focus for forming partnerships with other local public, private, voluntary and community sector

1. Developing and making recommendations to the Council in respect of the plans and strategies that form the Council's policy framework.
2. Formulations of budgets and other statutory financial requirements for submission to Council.
3. Monitoring the Council's budgetary and overall financial position.
4. Decisions as required by the Council's Financial and Procurement Procedure Rules including transactions in respect of the Final Accounts.
5. Decisions outside of the Budget or Policy Framework in accordance with the Procedure Rules.
6. The approval of strategies, policies, plans and guidance which are the responsibility of Cabinet and are not delegated elsewhere within the Constitution.
7. Consideration and approval of the acquisition and disposal of property in accordance with the Property Dealing Procedure, legislation and specific consents.
8. Consideration, approval and determination of objections, under Section 123 of the Local Government Act 1972, received in respect of proposed disposals of land used as public open space. All such consideration and determination to be at a public meeting of the Cabinet.
- ~~9. Power to consider objections received and then determine proposed Traffic Regulation Orders under the Road Traffic Regulations Act 1984 (as amended). All such objections to be determined at a public meeting of the Cabinet.~~

The following paragraphs would be re-numbered accordingly.

10. The approval of planning policy matters that are the responsibility of the Executive such as Local Development Orders and Neighbourhood Plans (including statutory public consultations thereon).
11. Issues delegated to individual Portfolio Holders that in their opinion a collective decision by the Cabinet is required.
12. Issued delegated to an Officer that in the opinion of the Management Team a collective decision by the Cabinet is required.
13. Reviewing from time to time the Council's Constitution.

4.3 ADDITIONAL SPECIFIC DELEGATIONS TO INDIVIDUAL PORTFOLIO HOLDERS

Leisure and Public Realm

1. To approve the making of car parking regulation orders when requested by Essex County Council.
- ~~2. Proposals for and approve the making of traffic regulation orders where no objections are received.~~
- 2. The selection and rejection of proposals for the making of traffic regulation orders being submitted to the North Essex Parking Partnership will be authorised by the Portfolio Holder, whether objections have been received to initial proposals. Reasons for such selection or rejection will be published following consultation with the relevant ward councillor. Such delegation cannot be exercised for proposed traffic regulation orders within the Portfolio Holder for Leisure and Public Realm's ward and in such cases, would be referred to the Leader for determination.**
3. The determination of Hackney Carriage stands under Section 63 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (in consultation with the Portfolio Holder for Housing and Planning).

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CABINET

17 MARCH 2025

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.5 FINANCIAL PERFORMANCE REPORT 2024/25 – GENERAL UPDATE AT THE END OF DECEMBER 2024

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of December 2024 and looking ahead to 2025/26 and beyond.

EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long-term forecast.

The report is split over two distinct sections as follows:

- 1) *The Council's in-year financial position against the budget at the end of December 2024***
- 2) *A long term financial forecast update***

- It is worth highlighting that a number of adjustments were made to the 2024/25 budget as part of developing the detailed estimates that were agreed by Full Council in February 2024. This was complemented by further 2024/25 budget amendments when the Q3 position was reported to Cabinet in April, and again when the Outturn Position for 2023/24 was reported to Cabinet in July.
- With the above in mind, and along with a number of adjustments included in the Financial Performance Reports considered by Cabinet in October and November, the in-year position at the end of December 2024 continues to primarily reflect issues already acknowledged, rather than significant new issues emerging. However, it remains timely to address a limited number of one-off cost pressures that have been identified at the end of Q3, which are set out in **Appendix H**. Any longer-term impact will be considered as part of developing the long-term forecast over the coming months.

SECTION 1 - In respect of the in-year financial position at the end of December 2024:

- The position to the end of December 2024, as set out in more detail within the appendices, shows that overall the General Fund Revenue Account is overspent against the profiled budget by **£0.294m** (£0.724m at the end of September 2024). However, it is important to highlight that this position continues to primarily reflect the timing of when the Government reimburse the Council for the cost of meeting housing benefit claims and the parliamentary election expenses incurred earlier in the year.

- In terms of proposed in-year adjustments to the budget, **Appendix H** sets out a limited number of largely unavoidable cost pressures, along with reflecting some favourable issues emerging in the second half of the year to date. Recommendations are included below, which include associated delegations as necessary.
- It is proposed that the overall net impact of the proposed budget adjustments set out in **Appendix H** will be adjusted against the Corporate Investment Fund. In terms of the proposal to set aside money to support the delivery of the Council's savings and efficiency plans and wider corporate priorities as set out within **Appendix H**, a recommendation is included below to provide for a delegation to the Chief Executive in consultation with the Portfolio Holder for Finance and Governance to utilise this funding.
- In addition to the adjustments set out in **Appendix H**, any further issues that have emerged or developed during the second half of the year are discussed in more detail further on in this report.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, additional details are set out later on in this report.
- Any emerging issues will be monitored and updates provided in future financial reports, which will include their consideration as part of updating the long-term financial forecast where necessary.
- A recommendation is also included below to provide for a delegation to the Corporate Director Place and Economy in consultation with the relevant Portfolio Holders to adjust the 2025/26 budgets for sport and leisure facilities to respond to the favourable income position currently being experienced across the various centres. Further details are set out later on in this report and within **Appendix B**.

SECTION 2 - In respect of the long term financial forecast update:

- A summary of the most up to date position was considered by Full Council on 11 February 2025 as part of agreeing the detailed budgets for 2025/26.
- There have been no changes made to the forecast position mentioned above, but for completeness, a summary is set out further on in this report.
- As highlighted in the report to Full Council on 11 February 2025, future year's estimated annual deficits remain significant against the context of the Council's overall net budget.
- In terms of the later years of the forecast, it was highlighted that there are significant challenges arising from inflationary increases, which are expected to exceed our ability to raise income from council tax and business rates over the long term plan. Therefore, at some reasonable point in the future, the Council must be able to put itself in the position of balancing its annual budget, otherwise the position is not sustainable.
- Set against this position, it is also acknowledged that there will be further impacts from the Government's proposals relating to changes to the Local Government Finance Settlement and 'reset' of the business rates retention model. In addition, Devolution and Local Government Reorganisation will also make financial planning even more

challenging over the forecast period. Such issues will need to remain highlighted within the forecast risk assessment that accompanies the wider forecast and further updates will be provided during 2025/26 as necessary.

- Notwithstanding the above, the Council's long term plan and Forecast Risk Fund provides flexibility and support, against which the development of the Council's forecast can be considered and it continues to provide the time and opportunity to respond to the structural annual budget deficits and changes highlighted above.
- The challenges faced by the Housing Revenue Account also remain significant and include increased expectations and requirements that continue to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan will be developed over the coming months alongside a review of the announcements included within the Government's recent Autumn Budget Statement that are set out later on in this report, with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) notes the Council's in-year financial position at the end of December 2024 along with the latest financial forecast update;**
- (b) approves the proposed adjustments to the 2024/25 budget as set out in Appendix H;**
- (c) subject to b) above, requests Officers to review any potential longer term / on-going impact of the items set out in Appendix H, as part of developing the forecast for further consideration by Cabinet later in the year;**
- (d) subject to b) above, in respect of the additional sum of £0.250m made available to support the delivery of savings / efficiency plans and wider corporate priorities that is set out in Appendix H, agrees a delegation to the Chief Executive, in consultation with the Portfolio Holder for Finance and Governance to utilise this funding to support any associated work and activities;**
- (e) notes the financial forecast update set out in this report and requests Officers, in consultation with Portfolio Holders to further develop the forecast and associated savings and efficiency plans for presenting to Cabinet later in 2025/26;**
- (f) in respect of the budget for 2025/26, agrees a delegation to the Corporate Director Place and Economy in consultation with the Portfolio Holders for Leisure and Public Realm and Finance and Governance to adjust the sports and leisure facilities budgets as necessary to better reflect the current experienced income and expenditure positions, but with no net overall impact on the Council's wider budgeted position.**
- (g) invites the views of the Resources and Service Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.**

REASON(S) FOR THE RECOMMENDATION(S)

To set out the financial position for the Council and to respond to emerging issues in 2024/25 along with developing the budget and long-term forecast from 2025/26.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the 6 included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

As included elsewhere on the agenda, final proposals for highlight priorities for 2025/26 are set out and include the delivery and development of savings and efficiency plans, along with developing proposals to secure the long term sustainability of the Housing Revenue Account.

The above form important elements of supporting the Council deliver financial sustainability across the General Fund and HRA. The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. The current 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, managing liabilities and cost pressures whilst limiting reductions in services provided to residents, businesses and visitors where possible. The approach set out in this report continues to be set against this wider context.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Internal consultation is carried out via the Council's approach to monitoring / developing the budget as set out within the Constitution. External consultation also forms part of developing the budget and is carried out early in the year as part of finalising the position for reporting to Full Council in February.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" 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	This item has been included within the Forward Plan for a period in excess of 28 days via the inclusion of the regular Financial Performance Update Report item.

		days at the latest prior to the meeting date)	
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The Council operates under a broad Best Value Duty that relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (“the 1999 Act”) to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. They are also required, pursuant to section 3 of the 1999 Act, to consult on the purpose of deciding how to fulfil the Best Value Duty.

In 2024, the former Government published revised Statutory Guidance on the Best Value Duty of Local Authorities in England under section 26 of the 1999 Act, which best value authorities are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions and reflect what most local authorities already do or are striving to achieve. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the revised guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators. This report, along with how the Council responds to new or developing issues remains an important element of demonstrating these key requirements.

The Council is legally required to calculate its council tax requirement each financial year. Within this framework is the requirement to monitor and report accordingly on the financial position of the authority against this requirement.

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Attention is drawn to the on-going reference to the Council’s Best Value Statutory Duty and published statutory guidance, as set out within the legal requirements section above, along with highlighting that where delegations are authorised, separate recorded decision making is required to demonstrate the implications of such decisions.

Within the Best Value Guidance, characteristics of a well-functioning authority are set out under each theme, as part of ‘Leadership’, an expected standard is that “*The authority’s financial strategy and delivery arrangements are aligned with priorities in the corporate plan, and respond appropriately to local need, including the plans of partners and stakeholders.*” This linkage is demonstrated through the reference to the Council’s Corporate Plan and the Highlight Priorities, being presented to Cabinet on the same agenda as this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS
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The financial implications are set out in the body of the report.

Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.

The long-term approach to the forecast highlighted in this report has been reviewed by both the Council's former and current External Auditor as part of their value for money work, which was reported to the Audit Committee earlier in the year. There were no major concerns raised in respect of the Council's approach to financial management and planning, although a limited number of issues were raised, including project management, which were addressed via an associated management response, that in turn will be subject to on-going review by the Audit Committee as necessary.

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

The Section 151 Officer is the author of this report.

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;	Although this is addressed in the body of the report where necessary, please see comments above relating to the outcome of the External Auditor's value for money activities.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
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.	

MILESTONES AND DELIVERY

This reports forms part of the Council's wider budget setting and monitoring processes. In respect of 2024/25, a financial outturn report is planned to be presented to Cabinet in June / July. In terms of the long term forecast, further updates will be presented to Members during 2025/26.

ASSOCIATED RISKS AND MITIGATION

In respect of 2024/25, although there are a limited number of budget adjustments set out within **Appendix H** along with further potential adjustments highlighted later on in this report, it is expected that any adverse issues can be accommodated within the overall existing net budget position for the year rather than having to 'call' on reserves or other one-off budgets.

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. The Council's response is set out in the body of this report and will continue to be addressed as part of future financial updates report.

The cost pressures included within **Appendix H** and the 'base' budget for 2025/26 broadly reflect unavoidable items and it is therefore recognised that potential additional financial demands may emerge going forwards, such as the outcome from the Waste, Recycling and Street Cleaning tender, the potential increased supply chain costs due to the increase in

employer's national insurance contributions from April 2025 and any on-going impact from current issues identified as presenting significant financial risks e.g. homelessness. The Council therefore needs to remain alert to additional items that may emerge, including opportunities for investment to support the development of the forecast and Council priorities, which will remain subject to on-going review as part of the various financial reports presented to Cabinet during 2025/26 along with the potential and associated use of the Corporate Investment Fund, which currently totals **£3.614m** (before the proposed adjustment set out within **Appendix H**). In addition, and as set out in earlier reports, money has also been set aside in an associated reserve to help mitigate cost pressures associated with the repair and maintenance of Council assets. When they arise, they are usually significant and the approach taken aims to further 'protect' the underlying revenue budget from such items as far as possible.

The Forecast Risk Fund remains a key element of the long-term plan approach. However, it is important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

As highlighted within a table further on in this report, the Forecast Risk Fund is estimated to be depleted during 2030/31, which adds further financial risks and challenges and will require further savings and efficiencies to be identified to deliver a sustainable financial position, which has been acknowledged within the highlight priorities mentioned earlier. It is also worth highlighting that opportunities may arise where additional money could be added to the Forecast Risk Fund over the forecast period, which may provide further flexibility and context to the requirement to identify savings going forward.

The forecast will remain 'live' and be responsive to changing circumstances and it will be revised on an on-going basis. If unfavourable issues arise, that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken, which could include an increase to the level of savings required. Actions to respond will therefore need to be considered but can be taken over a period of more than one year. In respect of this latter point, it is important to also highlight that like many other Councils, this Council has had to rely on the use of reserves to balance its budget, albeit in a planned way via the Forecast Risk Fund. It is essential that the Council continues to work towards delivering in-year balanced budgets as soon as possible rather than continue to rely on reserves, which is not sustainable in the longer term.

The outcomes from risk management reviews are planned to be reported as part of the quarterly financial performance reports throughout the year (the latest one being reported to Cabinet on 20 December 2024).

EQUALITY IMPLICATIONS

There are no direct implications that significantly impact on the financial forecast / budgetary position at this stage. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

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

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

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	Please see comments above
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF DECEMBER 2024

The Council's financial position against the approved budget has been prepared for the period ending 31 December 2024.

The on-going review of cost pressures has continued on a 'live' basis with a limited number of items included within **Appendix H**. These broadly reflect unavoidable items or where it is felt prudent to respond to matters as timely as possible.

Although proposed budget adjustments are highlighted within **Appendix H** in response to issues identified to date, the Council's wider and more detailed position at the end of December 2024 is set out within the other Appendices, with some additional comments included below against the six key areas of the budget where necessary:

GENERAL FUND REVENUE

The position to the end of December 2024, as summarised within Executive Summary attached, shows that there is an overall net overspend of **£0.294m** (£0.724m at the of September 2024).

Apart from any associated impact of the proposed adjustments set out within **Appendix H**, the most significant variances continue to be primarily due to the timing of expenditure and income, with examples being the timing of when housing benefit payments are made and when the money is reimbursed by the Government via the associated subsidy system and the full reimbursement of costs associated with the parliamentary elections earlier in the year.

Notwithstanding the above and the additional details set out within **Appendix B**, it is important to highlight the following:

Treasury Investment Income – given that interest rates remain relatively high, investment income continues to be significantly ahead of the budget. In continuing the approach adopted earlier in the year, the ‘surplus’ income is proposed to be ‘banked’ at the end of each period, with this adjustment therefore set out within **Appendix H** that reflects the most up to date position. It is also important to highlight that the level of investment income being achieved to date is also due to favourable cash balances, supported by the **£19.890m** received from the Government in November in advance of expenditure being incurred against the various Capital Regeneration Partnership schemes that are set out in more detail elsewhere on the agenda.

Careline Net Costs – a detailed report was considered by Cabinet at its 21 February 2025 meeting that set out a number of issues and actions along with updated financial information and confirmation that the proposals for the future of the Service would be supported by the one-off sum of **£0.746m** previously set aside.

The separate report referred to above brings together a number of discussion points relating to the underlying position against the budget, which are therefore not repeated here. It is however worth highlighting that there remains a net underspend against the budget due to a period of increased income from the YourStride contract (prior to its termination) alongside reduced employee costs, which reflect on-going recruitment and retention issues. Further updates will be provided in future financial reports and/or separate reports associated with implementing Cabinet’s decision on 21 February 2025.

Homelessness net costs – the significant demand for temporary accommodation continues and it remains one of the most significant financial challenges faced by Councils across the Country. Additional funding has been allocated to the associated budgets as part of earlier decisions, which have been supported by additional grant funding made available by the Government. In respect of this latter point, further funding has recently been announced, with the associated adjustment set out within **Appendix H**, which will hopefully support the delivery of the various activities within current budgets rather than requiring the need to identify further funding. However, this remains subject to the various activities undertaken as part of finalising the outturn position for the year, where a further update will be provided.

As highlighted in earlier reports, in terms of 2025/26 additional funding has also been made available as part of the ‘base’ budget for the year and the service remains committed to exploring options to respond to the on-going demand in the most advantageous way. A separate report will be presented to a future meeting of Cabinet that will aim to set out further details relating to current and future challenges.

Parking income – parking income continues to remain ahead of the budget by **£0.321m**, which will be a position that is expected to remain at the end of the year. It is not however proposed to adjust the budget at this time but to finalise the position as part of the outturn activities over the coming weeks which will also need to reflect the potential reinvestment of any surpluses back into the service in-line with the underlying cost recovery basis associated with the fees and charges setting arrangements.

As discussed in previous reports, it remains helpful to highlight the financial risks of being a member of the North Essex Parking Partnership, with a sum of **£0.100m** set aside to enable the Council to respond to such risks if they arise. Work remains on-going with the partners to gain the level of assurance required to limit such financial risk exposure as far as reasonably

practical. Recent estimates indicate an improving position, which will be revisited as part of the various processes associated with finalising the outturn position for the year.

Other Significant Income Streams – Crematorium and Planning - Income remains behind profile by **£0.127m** and **£0.191m** respectively. In terms of crematorium income, to date this continues to be partially offset by a reduction in expenditure which is unlikely to be the position that can be maintained over the whole year.

It is expected that this level of underachievement of income will remain at the end of the year. Similarly to parking income above, it is not proposed to adjust the budget at this time but to finalise the position as part of the outturn activities over the coming weeks.

Vacancy savings - when viewed corporately, employee costs remain behind the budgeted position. This is after taking account of the outcome of the national pay negotiations for 2024/25, which unlike the position at the end of Q2, are now included within the figures. As planned, this position represents a favourable outcome whereby the cost of the 2024/25 pay award along with other capacity costs / staff costs can be accommodated within existing budgets rather than requiring the identification of additional funding. *(The additional cost of the pay award over and above the 'base' budget was just under £0.250m)*

Energy Costs – as reported in previous quarters, these costs remain relatively volatile, although are supported by a contingency budget that was previously set aside. Based on current estimates, it is expected that the Council wide position can be managed within the existing budgetary position.

Although already highlighted above where necessary, the various issues along with potential other emerging issues during the remainder of the year will be reviewed as part of finalising the overall financial outturn position for 2024/25 that is planned to be reported to Cabinet in June/ July.

In terms of the Forecast Risk Fund, the full year 'target' amount of **£0.250m** has already been contributed to the fund, which was a decision made as part of the earlier Financial Performance Report presented to Cabinet in October 2024.

In terms of the net impact of the adjustments set out within **Appendix H**, it is proposed to make a transfer to the Corporate Investment Fund of **£0.843m**, which offsets the use of the fund agreed as part of earlier Financial Performance Reports. Along with other adjustments earlier in the year, this fund totals **£4.457m** to support the Council's budget and further decisions during 2025/26 and beyond as necessary.

GENERAL FUND – CAPITAL PROGRAMME

The overall position is set out in **Appendix D**.

As at the end of December 2024, the programme remained broadly on target against the profiled position.

Appendix H includes an adjustment that reflects additional Disabled Facilities Grant funding made available by the Government, with a corresponding increase in the associated expenditure budget.

To support the timely reporting of overall performance against the various schemes, relevant information continues to be provided by Services that provides financial and non-financial updates as necessary.

HRA - REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**. At the end of December 2024, the HRA is showing a net underspend of **£0.324m**, (£0.436m at the end of September 2024), which primary reflects a number of variances across various HRA budgets, including income from rents and housing maintenance costs.

A relatively small budget adjustment is set out within **Appendix H**, to enable a short extension to the onsite security 'pilot' at Spendells House to inform the longer term decision in 2025/26.

The HRA budgets for 2024/25 were subject to a number of adjustments that were set out in earlier updates to the Business Plan / Forecast that were considered by Cabinet and Full Council earlier in the year, which will form part of finalising the outturn position for the year over the coming weeks.

HRA - CAPITAL PROGRAMME

The overall position is set out in **Appendix D**.

As at the end of December 2024, the programme is behind profile by **£0.259m**. (£0.417m at the end of September 2024).

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings along with the timing associated with various works and activities.

Work remains on-going to finalise the position against the capital budget relating to the flexible workspaces in Jaywick, with the outcome planned to be reported to Cabinet early in 2025/26.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

Income from Council Tax continues to show improvement against the same period last year, with business rates being broadly at the same level of performance. This is underpinned by the continuation of 'building back' from the impact of COVID 19 on collection performance, although the on-going cost of living and economic challenges faced by residents and businesses is acknowledged. Any necessary recovery action will continue over the remainder of the year, with the aim of maximising the level of collection performance wherever possible.

In terms of housing rents and general debt, the performance to date has moved slightly ahead of the position compared with the same period last year, so expectations are that this can be maintained over the remainder of the year.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**. As highlighted earlier, additional income is being achieved to date which has been reflected within **Appendix H**.

OTHER MATTERS

Leisure Facilities Budget - as set out within **Appendix B**, income at the various sport and leisure facilities is running ahead of the budget. Although this favourable position is being partially offset by increased expenditure, some of which would be directly related to the increased demand that has driven the increases in income, it is expected that an overall 'surplus' position will remain at the end of the year. Although no adjustments are currently proposed to the budget in 2024/25, with the position planned to be finalised as part of outturn for the year, it is proposed to adjust the budgets in 2025/26. This approach will better align the budgets with the actual position being experienced, which is expected to continue in 2025/26. This will aid budget management / monitoring and inform potential expenditure decisions associated with the various facilities. A recommendation is therefore included above that provides a delegation to the Corporate Director Place and Economy to adjustment the budgets as necessary in 2025/26 in consultation with the Portfolio Holders for Leisure and Public Realm and Finance and Governance.

SECTION 2 – LONG TERM FORECAST UPDATE

General Fund

The detailed budget for 2025/26 was considered and agreed by Full Council on 11 February 2025. The report considered by Full Council also included a summary of the forecast up until 2033/34. For completeness, a summary of the position presented to Full Council on 11 February 2025 is set out in the following table:

Year	Net Budget Position (including adjusting for prior year use of reserves etc. to balance the budget)	Forecast Risk Fund - Estimated Balance at the end of the year
2026/27	£0.785m deficit	£6.969m surplus
2027/28	£1.512m deficit	£5.707m surplus
2028/29	£2.228m deficit	£3.729m surplus
2029/30	£2.955m deficit	£1.024m surplus
2030/31	£3.687m deficit	£2.412m deficit
2031/32	£4.426m deficit	£6.588m deficit
2032/33	£5.170m deficit	£11.508m deficit
2033/34	£5.921m deficit	£17.179m deficit

The development of the forecast will continue in 2025/26, set against a number of risks which were set out in earlier reports.

Earlier reports also highlighted the underlying context to the development of the forecast and it is worth highlighting that in terms of the later years of the forecast, it is important to highlight the significant challenges arising from inflationary increases, which are expected to exceed the Council's ability to raise income from council tax and business rates. Therefore, at some reasonable point in the future, the Council must be able to put itself in the position of balancing its annual budget, otherwise the position is not sustainable. Based on the current forecast position, the expected annual imbalance between expenditure and income [from 2027/28 onwards] is approximately **£0.700m**. This would therefore require corresponding annual on-going savings to be realised over the full forecast period to enable a balanced budget to be set each year.

In terms of the identification of savings, their on-going delivery has been reflected within the key highlight priorities for 2025/26, which includes securing a number of items already identified within the plan along with exploring opportunities for further items and efficiencies etc.

In terms of cost pressures and liabilities, their active management and mitigation will also need to continue to be an important element of the long-term financial plan. As has been the case throughout 2024/25, the Council will continue to review potential cost pressures using a risk based approach, with any associated decisions subject to separate reports or included within other key financial reports during the year. Two such key risks include the outcome of the waste, recycling and street cleaning tender and the potential impact within the supply chain from the employer's national insurance increases from April 2025. Any potential on-going items emerging from such reviews will need to be considered alongside the on-going development of the financial forecast during 2025/26.

It is also worth highlighting the Government's proposed changes to future year's Local Government Financial settlements, which include the following:

- The intention to 'reset' the business rates retention system, as was originally intended when the previous government established the system. The Government stated that this is long overdue given that there has been no reset of the system since its introduction in 2013/14 and that a reset will allow them to match funding to where it is needed most. The reset will apply nationally, but business rates growth generated within designated areas such as Freeports, Enterprise Zones and Investment Zones will be exempt in line with current policy. A period of consultation will be undertaken to inform the above work.
- From 2026/27, the Government want to fundamentally improve the way they fund Councils and direct funding to where it is most needed, based on an up-to-date assessment of need and local resources. These reforms will build on the proposals set out in the previous Government's review of Relative Needs and Resources (also referred to as the 'Fair Funding Review'), using the best available evidence to inform local authority funding allocations. The Government have stated their intention to move gradually towards an updated system and will invite views on possible transitional arrangements to determine how local authorities reach their new funding allocations.
- The Government stated that 2025/26 will be the last year of the New Homes Bonus in its current form and via a consultation process, reforms are expected to be confirmed in due course.

The above introduces a number of challenges, not least the uncertainty in the short term that makes forecasting beyond 2025/26 difficult. It is also worth highlighting the potential impact of Devolution / LGR which could make financial planning even more challenging over the forecast period. Such issues will need to remain highlighted within the forecast risk assessment that accompanies the wider forecast (the most recent update was presented to Cabinet at its 20 December 2024 meeting) and further updates will be provided during 2025/26.

Sensitivity testing will also continue to be a key element of developing the forecast, with updates planned to be presented to Cabinet during 2025/26.

Notwithstanding the above, the Council's long term plan and Forecast Risk Fund provide flexibility and support, against which the development of the Council's forecast can be considered and it continues to provide the time and opportunity to respond to any emerging cost pressures and adverse changes to the forecast along with the structural annual budget deficits that are still estimated to remain.

Based on the current forecast, the Forecast Risk Fund is estimated to total **£6.415m** at the end of 2024/25, which is therefore available to support the development of the forecast during 2025/26.

Housing Revenue Account

An updated HRA Business plan was presented to Full Council on 11 February 2025.

As previously stated, the Council remains committed to providing good quality housing and the current business plan reflects the necessary investment in existing tenants' homes.

However, there are a number of risks associated with the 30 year business plan forecast, which include changes in income achieved and future rent setting policy, emergence of new or revised guidance, new legislation / burdens / regulation and changing stock condition requirements. Many of the challenges relating to the General Fund will have an equally challenging impact on the HRA, e.g. inflation. One other area that is important to highlight is the new era of social housing regulation emerging from the Social Housing (Regulation) Act 2023 and the impact that will have on stock owning local authorities in the coming years.

The Council will therefore need to remain alert to any changes that may be required in managing its housing stock and adjust the 30 year business plan as necessary. The business plan will continue to be subject to updates during 2025/26 with the on-going aim of delivering the long term financial sustainability of the HRA, a commitment also reflected within Cabinet's proposed highlight priorities for the year.

It is worth repeating a number of issues presented within the Financial Performance Report that was considered by Cabinet on 21 October 2024, where a number of changes relating to the Right to Buy regime were set out, which included the following increased flexibilities:

- The maximum permitted contribution from RTB receipts to replacement affordable housing has increased from 50% to 100%.
- RTB receipts will be permitted to be used alongside section 106 contributions which was previously prohibited.
- The cap on the percentage of replacements delivered as acquisitions each year (currently 50%) has been lifted.

As part of its Autumn Budget Statement, the Government made further announcements on a number of key HRA issues, which included the following:

- The Government will make 100% retention of Right to Buy (RTB) receipts permanent from 1 November 2024.
- RTB discounts will return to their pre-2012 levels from 21 November 2024.

- The Government will consult on a five-year rent settlement of CPI+1% for social landlords, with potential for this to be extended to 10 years.
- Preferential Public Works Loan Board borrowing rates for local authorities to build social housing will be extended to March 2026.

The impact and flexibilities that all of the above may bring to Local Authorities will be reviewed and considered as part of the on-going development of the HRA Business Plan and Capital Programme.

PREVIOUS RELEVANT DECISIONS

Executive's Proposals – General Fund Budget and Council Tax 2024/25 – Item A.1 Full Council 13 February 2024.

Executive's Proposals – Housing Revenue Account Budget 2024/25 – Item A.2 Full Council 13 February 2024.

Financial Performance Report 2024/25 – General Update at the end of July 2024 - Item A.2 Cabinet 21 October 2024.

Financial Performance Report 2024/25 – General Update at the end of September 2024 - Item A.8 Cabinet 15 November 2024.

Updated General Fund Financial Forecast / Budget 2025/26 – Item A.5 Cabinet 20 December 2024.

Updated Housing Revenue Account Business Plan and Budget Proposals 2025/26 – Item A.11 Cabinet 20 December 2024.

Updated General Fund Financial Forecast / Budget 2025/26 – Item A.3 Cabinet 31 January 2025.

Updated Housing Revenue Account Business Plan and Budget Proposals 2025/26 – Item A.6 Cabinet 31 January 2025.

Executive's Proposals – General Fund Budget and Council Tax – 2025/26 – Item A.1 Full Council 11 February 2025.

Executive's Proposals – Housing Revenue Account Budget 2025/26 – Item A.2 Full Council 11 February 2025.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

RELATING TO SECTION 1 OF THE REPORT

Front Cover and Executive Summary
Appendix A – Summary by Portfolio / Committee

Appendix B – General Fund Budget Position by Department
 Appendix C – Housing Revenue Account Budget Position
 Appendix D – Capital Programme
 Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and
 General Debts
 Appendix F – Treasury Activity
 Appendix G – Income from S106 Agreements
 Appendix H – Proposed Adjustments to the In-Year Budget 2024/25

REPORT CONTACT OFFICER(S)	
Name	Richard Barrett
Job Title	Director (Finance and IT)
Email/Telephone	rbarrett@tendringdc.gov.uk 686521

Tendring **District Council**



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance
Appendix F	Treasury Activity
Appendix G	Income from S106 Agreements.
Appendix H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

December 2024

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of December 2024

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(29,174,920)	(13,511,187)	(12,226,965)	1,284,222
Operations and Delivery	20,120,280	10,073,659	9,248,755	(824,904)
Place and Economy	10,241,640	2,417,140	2,252,134	(165,005)
Total General Fund	1,187,000	(1,020,388)	(726,076)	294,313

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(6,501,722)	(6,825,897)	(324,175)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	54,671,060	3,711,966	3,661,837	(50,129)
Housing Revenue Account	9,938,780	6,338,485	6,078,994	(259,491)
Total Capital	64,609,840	10,050,451	9,740,831	(309,620)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	83.42%
Business Rates	80.41%
Housing Rents	96.06%
General Debt	90.17%

Treasury

	£'000
Total External Borrowing	30,825
Total Investments	99,888

Revenue Budget Position at the end of December 2024

General Fund Portfolio / Committee Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Corporate Finance and Governance	(2,144,550)	(3,387,317)	(2,517,813)	869,505
Assets	877,400	2,447,964	2,510,633	62,669
Economic Growth, Regeneration and Tourism	4,670,180	(212,741)	(203,670)	9,071
Environment	11,578,200	6,237,970	6,027,311	(210,659)
Leisure and Public Realm	6,144,710	1,972,494	1,006,700	(965,795)
Housing and Planning	9,699,140	5,356,521	6,474,477	1,117,956
Partnerships	3,849,860	1,947,248	1,646,569	(300,679)
Budgets Relating to Non Executive Functions	633,210	472,347	939,972	467,625
	35,308,150	14,834,487	15,884,179	1,049,692
Revenue Support for Capital Investment	2,108,670	0	0	0
Financing Items	(4,129,550)	(2,792,415)	(3,547,794)	(755,379)
Budget Before use of Reserves	33,287,270	12,042,072	12,336,385	294,313
Contribution to / (from) earmarked reserves	(16,977,070)	(280,543)	(280,543)	0
Total Net Budget	16,310,200	11,761,529	12,055,842	294,314
Funding:				
Business Rates Income	(3,357,400)	(3,908,066)	(3,908,066)	0
Revenue Support Grant	(766,490)	(582,533)	(582,534)	(1)
Collection Fund Surplus	(951,310)	(761,048)	(761,048)	0
Income from Council Tax Payers	(10,048,000)	(7,530,270)	(7,530,270)	0
Total	1,187,000	(1,020,388)	(726,076)	294,313

Revenue Budget Position at the end of December 2024

HRA Portfolio Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Economic Growth, Regeneration and Tourism	(1,550)	(59,872)	(58,600)	1,273
Housing and Planning	(2,482,670)	(6,441,850)	(6,767,297)	(325,447)
Budgets Relating to Non Executive Functions	0	0	0	0
Old Codes	0	0	0	0
	(2,484,220)	(6,501,722)	(6,825,897)	(324,175)
Revenue Support for Capital Investment	1,463,630	0	0	0
Financing Items	1,759,870	0	0	0
Budget Before use of Reserves	739,280	(6,501,722)	(6,825,897)	(324,175)
Contribution to / (from) earmarked reserves	(739,280)	0	0	0
Total	(0)	(6,501,722)	(6,825,897)	(324,175)

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2024

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	10,222,470	7,327,968	6,857,023	(470,945)	
Premises Related Expenditure	517,270	394,787	402,358	7,571	
Transport Related Expenditure	134,950	119,652	104,590	(15,063)	
Supplies & Services	10,092,812	2,955,554	3,870,839	915,285	
Third Party Payments	0	0	0	0	
Transfer Payments	31,996,820	19,829,640	21,673,799	1,844,159	
Interest Payments	9,340	3,017	3,017	(0)	
Direct Capital Financing Costs	4,592,890	0	0	0	
Total Direct Expenditure	57,566,552	30,630,619	32,911,626	2,281,007	
Direct Income					
Government Grants	(40,656,232)	(25,614,064)	(25,291,712)	322,352	
Other Grants, Reimbursements and Contributions	(1,749,460)	(1,617,052)	(2,117,609)	(500,557)	
Sales, Fees and Charges	(1,178,890)	(827,388)	(921,640)	(94,252)	
Rents Receivable	(1,050)	(788)	(461)	327	
Interest Receivable	(3,253,370)	(3,020,055)	(3,734,026)	(713,971)	
RSG, Business Rates and Council Tax	(15,520,220)	(12,781,917)	(12,781,918)	(1)	
Direct Internal Income	0	0	(10,682)	(10,682)	
Total Direct Income	(62,359,222)	(43,861,263)	(44,858,049)	(996,785)	
Net Direct Costs	(4,792,670)	(13,230,644)	(11,946,423)	1,284,222	
Net Indirect Costs	(7,405,180)	0	0	0	
Net Contribution to/(from) Reserves	(16,977,070)	(280,543)	(280,543)	0	
Total for Chief Executive, Finance, IT, Governance and Partnerships	(29,174,920)	(13,511,187)	(12,226,965)	1,284,222	

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	(900)	152,332	101,200	(51,132)	
Total for Finance and IT Management and Administration	(500)	80,943	85,210	4,267	
Total for Finance	201,610	974,575	915,623	(58,952)	
Total for Finance - Other Corporate Costs	(5,834,620)	(8,864,175)	(8,907,534)	(43,359)	This budget continues to reflect increased interest receivable from treasury activities - please see Appendix H for associated budget adjustment. This is currently being offset by the corporate vacancy provision which will be subject to the upcoming processes associated with finalising the outturn position at end of the year.
Total for Finance - Financing Items	(16,432,920)	(63,420)	(98,854)	(35,434)	
Total for Finance - RSG, Business Rates and Council Tax	(15,123,200)	(12,781,917)	(12,781,918)	(1)	
Total for Revenues and Benefits	2,334,550	1,626,191	2,947,633	1,321,442	As in previous quarters, this primarily reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system.

Appendix B

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for IT and Corporate Resilience	171,680	1,510,099	1,669,922	159,823	As highlighted earlier in the year, although a number of budgets are subject to being reallocated elsewhere within the overall budget, there remains a growing cost related to the Council's cloud storage solution and other corporate IT related budgets. Please see Appendix H for associated budget adjustment. Work remains ongoing to explore opportunities to limit such increases in 2025/26, which will be revisited as part of future financial performance reports.
Total for Governance Management and Administration	(520)	132,278	132,491	214	
Total for Legal	15,330	276,650	255,034	(21,616)	
Total for Communications	59,740	101,592	133,359	31,766	
Total for Democratic Services and Elections	1,501,260	943,765	1,450,780	507,015	This budget continues to reflect the timing difference between incurring the cost of running the parliamentary election earlier in the financial year and the reimbursement by the Government following a reconciliation process.
Total for Corporate Procurement and Contracts	47,310	175,265	26,555	(148,710)	
Total for Partnerships Management and Administration	(2,030)	323,528	375,062	51,535	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for Customer and Commercial	0	0	0	0	
Total for People	43,530	266,495	246,472	(20,023)	
Total for Organisational Development	244,740	365,043	316,850	(48,192)	
Total for Health and Community	1,173,570	292,112	192,055	(100,057)	
Total for Customer Contact	13,070	558,758	514,135	(44,623)	
Total for Careline and Community	2,413,380	418,700	198,960	(219,740)	The position primarily reflects the position against the Careline budget. Please see main body of report for further details.
Total for Chief Executive, Finance, IT, Governance and Partnerships	(29,174,920)	(13,511,187)	(12,226,965)	1,284,222	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2024

Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	7,887,390	5,778,335	5,780,955	2,620	
Premises Related Expenditure	2,497,510	1,499,407	1,401,258	(98,150)	
Transport Related Expenditure	587,120	449,270	359,550	(89,720)	
Supplies & Services	7,983,870	3,774,118	4,012,550	238,432	
Third Party Payments	7,312,220	4,753,018	4,784,181	31,163	
Transfer Payments	581,200	438,413	1,775,150	1,336,737	
Total Direct Expenditure	26,849,310	16,692,562	18,113,644	1,421,082	
Direct Income					
Government Grants	(1,602,630)	(1,389,480)	(1,418,937)	(29,457)	
Other Grants, Reimbursements and Contributions	(1,883,910)	(1,025,932)	(889,127)	136,805	
Sales, Fees and Charges	(4,887,660)	(3,886,165)	(6,156,939)	(2,270,774)	
Rents Receivable	(423,100)	(317,325)	(399,816)	(82,491)	
Interest Receivable	0	0	(70)	(70)	
Direct Internal Income	(166,390)	0	0	0	
Total Direct Income	(8,963,690)	(6,618,903)	(8,864,889)	(2,245,986)	
Net Direct Costs	17,885,620	10,073,659	9,248,755	(824,904)	
Net Indirect Costs	2,234,660	0	0	0	
Total for Operations and Delivery	20,120,280	10,073,659	9,248,755	(824,904)	

Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	2,440	284,800	290,650	5,850	
Total for Building and Public Realm Management and Administration	1,140	207,877	204,389	(3,489)	
Total for Public Realm	2,300,600	779,722	391,323	(388,399)	This primarily reflects the continuation of the favourable position emerging during the year against the parking income budgets. This is expected to continue for the remainder of the year and will be finalised as part of the outturn position, which will include the consideration of setting aside any net surplus for reinvestment back into the service inline with the cost recovery 'restrictions' in the setting of fees and charges.
Total for Property and Projects	327,280	(112,237)	(423,136)	(310,898)	This primarily reflects the continuation of additional income being achieved against the beach hut budgets. In terms of 2024/25 it is planned to reinvest this money into seafront amenities in line with an existing decision, which will be finalised as part of the upcoming year end accounting processes.
Total for Development and Building Management	30	23	33	11	
Total for Coastal and Engineering	3,377,010	1,291,752	1,275,981	(15,771)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for Open Space and Transport	978,470	662,640	658,025	(4,615)	Although currently offset by a number of smaller variances, the income for both Cemeteries and the Crematorium are behind 'target' by an aggregate amount of £164k.(Cemeteries - £37k Crematorium - £127k). Please see the main body of the report for further details.
Total for Housing and Environment Management and Administration	660,220	205,153	219,607	14,455	
Total for Housing	3,319,600	2,033,397	2,079,481	46,083	Additional amounts totalling £1.7m have been added to the underlying base budget during the year to reflect the demand related to homelessness. With additional Government grant income included within Appendix H, it is possible that the position can be managed within these revised budgets rather than significant additional funding being required. However, this remains subject to the outturn position for the year that will be finalised by the end of May.
Total for Waste and Recycling	6,610,020	3,876,323	3,782,582	(93,740)	
Total for Environment	2,543,470	844,210	769,820	(74,390)	
Total for Operations and Delivery	20,120,280	10,073,659	9,248,755	(824,904)	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2024

Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	7,094,200	4,675,455	4,691,287	15,832	
Premises Related Expenditure	1,243,760	939,945	1,137,911	197,965	
Transport Related Expenditure	45,060	34,755	23,640	(11,115)	
Supplies & Services	5,217,130	2,266,319	2,509,933	243,614	
Third Party Payments	870	870	0	(870)	
Total Direct Expenditure	13,601,020	7,917,345	8,362,771	445,426	
Direct Income					
Government Grants	(395,470)	(1,742,660)	(1,729,421)	13,239	
Other Grants, Reimbursements and Contributions	(70,100)	(39,100)	(118,608)	(79,508)	
Sales, Fees and Charges	(4,822,690)	(3,677,390)	(4,231,657)	(554,267)	
Rents Receivable	(54,990)	(41,055)	(30,951)	10,104	
Direct Internal Income	0	0	0	0	
Total Direct Income	(5,343,250)	(5,500,205)	(6,110,637)	(610,432)	
Net Direct Costs	8,257,770	2,417,140	2,252,134	(165,005)	
Net Indirect Costs	1,983,870	0	0	0	
Total for Place and Economy	10,241,640	2,417,140	2,252,134	(165,005)	

Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	(670)	102,180	110,840	8,660	
Total for Planning Management and Administration	(21,220)	1,515,950	1,386,228	(129,721)	
Total for Planning Development	1,404,010	(807,683)	(554,943)	252,740	Income relating to planning and building control continue to remain behind profile at the end of December 2024. Please see main body of the report for further details.
Total for Local Plan and Place Shaping Management and Administration	(500)	70,560	79,828	9,268	
Total for Strategic Planning	677,930	63,277	14,362	(48,915)	
Total for Place	44,950	25,220	25,944	724	
Total for Economic Growth	3,859,100	(617,953)	(570,113)	47,840	

Appendix B

Total for Sport and Leisure Operations	3,244,600	1,395,953	1,151,130	(244,823)	Income from sports and leisure facilities is now ahead of the profiled position. This is expected to remain at the end of the year. However, it is important to highlight that this position is being partially offset by increases in various expenditure lines. Please see the main body of the report for further details including a proposed delegation to adjust the budgets accordingly in 2025/26 as this trend is expected to continue into next year.
Total for Tourism Arts and Events	1,033,740	595,845	520,064	(75,781)	
Total for Economy, Culture and Leisure Management	(300)	73,790	88,793	15,003	
Total for Place and Economy	10,241,640	2,417,140	2,252,134	(165,005)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of December 2024

Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	2,040,020	1,450,365	1,409,217	(41,148)	
Premises Related Expenditure	4,382,690	3,024,635	3,144,735	120,100	
Transport Related Expenditure	37,870	28,402	23,454	(4,948)	
Supplies & Services	774,240	494,530	494,232	(298)	
Third Party Payments	48,870	0	0	0	
Transfer Payments	17,000	12,750	24,408	11,658	
Interest Payments	1,153,530	788,386	788,385	(0)	
Direct Capital Financing Costs	2,877,930	0	0	0	
Total Direct Expenditure	11,332,150	5,799,068	5,884,432	85,364	
Direct Income					
Other Grants, Reimbursements and Contributions	(8,440)	(330)	(50,133)	(49,803)	
Sales, Fees and Charges	(628,230)	(483,823)	(496,910)	(13,087)	
Rents Receivable	(15,754,250)	(11,816,638)	(12,163,286)	(346,648)	
Interest Receivable	(329,120)	0	0	0	
Total Direct Income	(16,720,040)	(12,300,790)	(12,710,328)	(409,538)	
Net Direct Costs	(5,387,890)	(6,501,722)	(6,825,897)	(324,175)	
Net Indirect Costs	6,127,170	0	0	0	
Net Contribution to/(from) Reserves	(739,280)	0	0	0	
Total for HRA	0	(6,501,722)	(6,825,897)	(324,175)	

Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	3,223,500	0	0	0	
Total for CD Operations and Delivery Management and Administration	(73,940)	(90,470)	(93,961)	(3,491)	
Total for Development and Building Management	5,541,480	3,296,003	3,462,479	166,476	Expenditure is running slightly ahead of the profile in terms of the maintenance of the housing stock. However, this is being actively managed alongside the associated capital programme works where the aggregate actual position to date across the two areas is within budget.
Total for Housing	(8,689,490)	(9,647,382)	(10,135,815)	(488,433)	Rental income continues to be ahead of the profile budget which accounts for the majority of the variance at the end of December 2024. It is important to highlight that this is being partly offset by the increased cost of council tax during void periods, with management action underway to limit such expenditure where possible in future years.
Total for Economic Growth	(1,550)	(59,872)	(58,600)	1,273	
Total for HRA	0	(6,501,722)	(6,825,897)	(324,175)	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of December 2024

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Expenditure					
Assets Portfolio					
Crematorium Boiler Replacement	20,000	0	0	0	This project is complete with a final invoice still to be paid.
IT Network Renewal - Phase 2	240,000	0	0	0	
Town Hall - Replacement Heating System	200,000	9,990	9,990	0	
IT Core Infrastructure Rolling Replacement	170,480	59,450	59,453	3	This on-going scheme continues to support the rolling replacement of hardware and IT infrastructure.
Office Rationalisation	90,420	0	0	0	It is proposed that a number of projects are completed as part of the wider office transformation activities.
Laying Out Cemetery	89,580	5,990	5,989	(1)	Renewed planning permission has been secured, subject to conditions. Initial estimates by the consultants indicate a significant shortfall in the budget available. Further investigations continue in order to facilitate a member decision on options available in the light of the proposed Bereavement Strategy.
Public Convenience Works	40,000	0	0	0	
Weeley Crematorium Works	47,310	5,390	5,392	2	The project is substantially complete with some minor work remaining outstanding.
Total for Assets Portfolio	897,790	80,820	80,825	5	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Corporate Finance and Governance Portfolio					
Agresso e-procurement	84,000	0	0	0	The Service plans to explore the best use of available budget alongside a wider associated system upgrade during 2025/26 subject to the carryforward process.
Total for Corporate Finance and Governance Portfolio	84,000	0	0	0	
Economic Growth, Regeneration and Tourism Portfolio					
LUF - The Clacton Hub (Capital Grant to ECC)	10,999,280	651,377	651,377	0	
LUF - Carnarvon Terrace	19,275,270	158,808	158,808	(0)	
CRP - Harwich Library (Capital Grant to ECC)	1,166,840	708,605	708,605	0	
CRP - Milton Road/Homes in Dovercourt	3,798,750	42,676	42,676	0	
CRP - Public Realm (Capital Grant to ECC)	4,320,000	0	0	0	
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	265,670	91,620	91,620	0	This project was subject to a detailed report to Cabinet on 21 February 2025. As highlighted, once the project has been finally concluded and all outstanding sums paid the current anticipated underspend will be considered as part of future financial performance reports as necessary.
Rural England Prosperity Fund	505,590	472,300	470,759	(1,541)	
UK Shared Prosperity Fund	152,000	0	0	0	
Total for Economic Growth, Regeneration and Tourism Portfolio	40,526,650	2,125,386	2,123,845	(1,541)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Environment Portfolio					
Weekly Food Collections - Transitional Funding	277,370	0	0	0	This is new burdens funding from Government to cover the additional cost of food waste collections from 2026. This service will form part of the new waste contract from April 2026 and as such there will not be any spend from this budget until then or at the earliest Q4 2024/25 to cover capital cost of additional containers in readiness for the service.
Sea Wall Construction, Walton on the Naze	154,000	154,000	106,060	(47,940)	The main part of this project is anticipated to complete within the autumn window. It is anticipated that there may be some minor works in the spring window to make any adjustments and deal with any snagging required following the winter weather.
Coast Protection Works	970,000	0	0	0	
Total for Environment Portfolio	1,401,370	154,000	106,060	(47,940)	
Housing and Planning Portfolio					
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	76,280	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	0	
Disabled Facilities Grants	10,192,510	892,890	892,895	5	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
Total for Housing and Planning Portfolio	10,795,840	892,890	892,895	5	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Leisure and Public Realm Portfolio					
Projects associated with the Vista Road Land Swap	42,120	0	0	0	
Active Ageing Outdoor Gym	70,000	54,170	54,167	(3)	
Car Park Works at Clacton Leisure Centre (Land Transfer)	323,280	323,280	322,636	(644)	This project is complete.
Vista Road Cricket Pitch (Land Transfer)	10,400	10,400	10,400	0	This project is complete.
Replacement of beach hut supports - The Walings	11,620	0	0	0	It is currently proposed to engage a structural engineer to support the delivery of this project.
Northbourne Depot Extension Works (Land Transfer)	15,870	2,840	2,841	1	This project is complete. The remainder of this money is proposed to go towards additional projects relating to the ECC Land Transfer.
Cliff Park Rockery Works	51,840	12,830	12,825	(5)	This project is now 90% complete with associated invoices to be paid in due course.
Walton on the Naze Lifestyles - Air Handling Unit and Building Management System	244,500	14,000	14,000	0	Project has commenced and due to continue until end of May 2025.
Brightlingsea LIDO (Capital Grant)	41,650	0	0	0	Works are currently underway at present. Awaiting invoice and completion certificate.
Seafrosts - Quad Bike Purchase	10,680	10,680	10,680	0	Purchase Completed
Walton Lifestyles Roof Repairs	6,000	0	0	0	Works are underway.
Clacton Pool Leak	40,000	0	0	0	This remains subject to on-going review to determine the most appropriate course of action.
CLC - Sauna Refurbishment	27,510	27,510	27,505	(5)	Project Completed

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
New Beach Huts	64,600	0	0	0	
Works at Halstead Road Play Area, Kirby	610	140	138	(2)	
Marine Parade, Clacton - Playground Equipment	4,730	3,020	3,021	1	
Total for Leisure and Public Realm Portfolio	965,410	458,870	458,213	(657)	
Total Approved General Fund Capital	54,671,060	3,711,966	3,661,837	(50,129)	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of December 2024

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	3,773,870	2,329,270	2,113,394	(215,876)	
Honeycroft New Build Scheme	2,526,560	2,190,000	2,185,749	(4,251)	
Spendells House Project	1,152,830	1,105,000	1,104,654	(346)	
IT Upgrade & Replacement	20,000	0	0	0	
Disabled Adaptations	400,000	284,925	276,777	(8,148)	
HRA - New Build & Acquisitions - To Be Allocated	1,430,230	0	0	0	
HRA - Acquisitions - Council Dwellings	474,300	268,300	268,300	0	
HRA - Acquisitions - Non-Dwellings	160,990	160,990	130,120	(30,870)	
Total Housing Revenue Account Capital Programme	9,938,780	6,338,485	6,078,994	(259,491)	

Collection Performance : Position at the end of December 2024

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates		
	2023/24	2024/25		2023/24*	2024/25
Quarter 1	27.78%	29.37%	Quarter 1	29.05%	27.81%
Quarter 2	53.04%	56.80%	Quarter 2	55.88%	56.15%
Quarter 3	78.61%	83.42%	Quarter 3	80.81%	80.41%
Quarter 4	93.87%		Quarter 4	96.88%	
Housing Rents			General Debt		
	2023/24	2024/25		2023/24	2024/25
Quarter 1	96.25%	96.05%	Quarter 1	71.24%	76.05%
Quarter 2	95.86%	95.86%	Quarter 2	84.96%	84.69%
Quarter 3	95.61%	96.06%	Quarter 3	87.33%	90.17%
Quarter 4	96.28%		Quarter 4	92.40%	

* Figures have been adjusted in 2023/24 to reflect the position against collectable debt rather than the budgeted collection fund amount

Treasury Activity : Position at the end of December 2024

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	130	0	6	124	
Long Term PWLB Borrowing - HRA	33,405	0	2,704	30,701	
TOTAL BORROWING	33,535	0	2,710	30,825	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	65,000	599,500	575,700	88,800	Overall the balance of investments has increased over the reporting period due to the timing of the Council's cash flow and the receipt of Government grants.
Investments with UK financial Institutions (including Money Market Funds)	7,824	22,874	19,610	11,088	
Investments with non-UK Financial institutions	0	0	0	0	In respect of investments with UK financial institutions, at the end of the period, investments were held with 6 counterparties, including 2 Money Market Funds.
Total Investments for less than a year	72,824	622,374	595,310	99,888	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	72,824	622,374	595,310	99,888	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	9	3	3	0	The weighted average rate of interest on the Council's GF borrowing is currently 6.98%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,153	788	788	0	The weighted average rate of interest on the Council's HRA borrowing is currently 3.59%. (on an accrued basis)
Interest Received on Investments	(3,335)	(2,838)	(3,553)	(715)	The weighted average rate of interest being received on the Council's investments is currently 5.22%. (on an accrued basis)

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2024/25
	£'000
GF Revenue Schemes	695
GF Capital Schemes	9
HRA Capital Schemes	474
TOTAL	1,178

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year	1 to 2 Years	2 to 4 Years	4 years +
	£'000	£'000	£'000	£'000
Regeneration Programme and Other Initiatives	0	0	2	0
Affordable Housing	0	0	0	764
Town Centre Improvements	0	22	0	0
Conservation	0	0	0	337
Open Space *	4	3	75	2,205
TOTAL	4	25	77	3,306

*For schemes with a 'spend by' date of less than one year, this money must be spent as follows:

Open Space

£4,000 by November 2025

Proposed Adjustments to the In-Year Budget December 2024

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Section 1a GENERAL FUND REVENUE			
Cost Pressures			
Supporting the delivery of savings / efficiency plans and wider corporate priorities	250,000		It is proposed to set aside this initial sum with a recommendation set out within the main body of the report that provides for a delegation to the Chief Executive in consultation with the Portfolio Holder for Finance and Governance to utilise this funding within the context of the Councils Highlight Priorities for 2025/26.
Azure Costs and other IT costs	80,000		Although work remains on-going to limit increases in costs when looking ahead, there are additional costs being incurred in the short term that broadly reflect general contract / other price increases that historically have been managed within overall IT budgets, which is no longer possible as such budget 'headroom' has been depleted.
Environmental Health Capacity	120,000		As set out in an earlier report, there remains an on-going recruitment challenge to fill vacant posts that reflects the shortage of appropriate staff nationally / regionally, with an additional sum of £92k previously agreed to support the use of agency staff in the short term. This approach was based on using the interim period to further develop existing officers to enable them to undertake the full activities required of the role. This development programme still remains in progress and therefore to enable the Service to fulfil their regulatory role and meet the requirements set out by the Food Standards Agency in the short term, it is proposed to continue to use agency staff for at least a further six months. Although alternative options remain very limited at the present time, further attempts at also recruiting qualified Officers will continue.
Fraud and Compliance Investigations	40,000		It is proposed to set aside this funding to support costs associated with a range of fraud and compliance functions.

Proposed Adjustments to the In-Year Budget December 2024

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Other Adjustments			
Treasury Income		(500,000)	Although the budget has been subject to increases earlier in the year, cash balances and interest rates continue to remain more favourable than originally expected at the end of December 2024. Cash balances include the £19.890m received from the Government in November relating to the CRP projects. The figure included is net of the additional interest payable to the HRA.
Homelessness- Additional Grant Funding		(122,780)	Additional Government grant has recently been announced which is therefore available to support the current / on-going challenges within the homelessness budget.
Homelessness- Expenditure	122,780		
Reclaimable VAT on Leisure Centres Income		(832,930)	As discussed earlier in the year, following a successful claim to HMRC, they have now reimbursed backdated amounts of VAT previously paid.
Contribution to the Corporate Investment Fund	842,930		The net favourable impact from the above is proposed to be transferred to this Fund, against which separate future decisions can be made.
TOTAL Section 1a GENERAL FUND REVENUE	1,455,710	(1,455,710)	
Section 1b GENERAL FUND CAPITAL			
Disabled Facilities Grant Income		(348,270)	This reflects a recent Government announcement where they have made additional funding available to Local Authorities to support the delivery of associated financial support.
Disabled Facilities Grant Expenditure	348,270		
TOTAL Section 1b GENERAL FUND CAPITAL	348,270	(348,270)	

Proposed Adjustments to the In-Year Budget December 2024

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Section 2a HRA Revenue			
Spendells House - Building Security	30,000		Earlier in the year, it was agreed to implement a 'pilot' period of onsite security activities associated with the premises with a separate decision to be planned to be considered later in the year following the outcome from this initial trial phase. To enable further data to be collected to support a potential longer term decision, it is proposed to extend the initial 'pilot' period.
General Housing Tenancy Management Budgets	(30,000)		
TOTAL Section 2a HRA REVENUE	0	0	
Section 2b HRA CAPITAL			
None			

CABINET

17 MARCH 2025

REPORT OF PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

A.6 GREATER ESSEX DEVOLUTION GOVERNMENT CONSULTATION ESTABLISHING A MAYORAL COMBINED COUNTY AUTHORITY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Cabinet is asked to endorse the proposal that the consultation response to the Government's Greater Essex Devolution Consultation be undertaken by the Leader of the Council in consultation with the Portfolio Holder for Economic Development, Regeneration and Tourism (Deputy Leader). The response on behalf of Tendring District Council could either be standalone or form part of an Essex-wide response to go forward as part of the open consultation which closes on 13 April 2025.

EXECUTIVE SUMMARY

The Government published the English Devolution White Paper in 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 local council leaders from Essex County Council, Thurrock Council and Southend-on-Sea City Council wrote to Government on 10 January 2025 expressing their interest in taking forward devolution within Greater Essex through the establishment of a Mayoral Combined County Authority, with the first election for a Mayor taking place in May 2026.

Tendring District Council reported progress with Devolution to its members at Full Council in January 2025. The Council acknowledged 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 and mandated 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.

The consultation

Government has accepted Greater Essex onto the 'Devolution Priority Programme', but before taking a decision on whether to proceed to make the necessary legislation to enact devolution in Essex, the Government has launched a consultation seeking views from interested parties on a proposal to form a Mayoral Combined County Authority. The text of the consultation and its questions is included as Appendix A and open until 13 April 2025.

The consultation seeks views from those who live and work across Greater Essex on the effect of establishing a Mayoral Combined County Authority in the area and includes questions on

the proposed geography and how the Mayoral Combined County Authority will make decisions.

Introduction to Combined County Authorities and Mayors

Combined County Authorities are organisations made up of a group of councils who come together over larger areas that people recognise and work in. They allow councils to work together in a structured way and take decisions over a wider area footprint, with powers and responsibilities being held by that Combined County Authority. Combined County Authorities do not replace the councils within the area delivering services, these will continue to be provided by the council.

A Combined County Authority can be led by a directly elected Mayor. This is then known as a Mayoral Combined County Authority. The government's consultation states "*it is supportive of places having Mayors because they have a mandate to take big decisions affecting more people, they have convening power to tackle shared problems, and they are accountable to the local electorate for the decisions they take. Mayors in other parts of the country have become vital local leaders, delivering on the promise of change in their area to drive growth, more joined-up delivery, and earning trust.*"

Local Government Reorganisation

This would replace the existing two-tier system, where services are split between a county and district council, and bring these services together in unitary local government. This process is a separate process to the one in this consultation. On 5 February 2025, the Minister of State for Local Government and English Devolution invited all councils in the area to develop unitary proposals. All councils in Greater Essex have been invited to undertake wide engagement before submitting robust and evidenced unitary proposals to government by 26 September 2026. The Government will assess and make decisions to determine which, if any, of the proposals submitted are to be implemented.

Further information on LGR is contained within the report to Full Council at its Extraordinary meeting on 11 March 2025.

The role of Tendring as a district council in devolution

Essex has 'upper-tier' Essex County Council and 'lower-tier' district, borough and city councils – with responsibility for local services split between the two. In addition, there are the two unitary councils of Southend and Thurrock. The Levelling Up and Regeneration Act 2023 introduced Combined County Authorities consisting of upper tier local councils only - so in Greater Essex: Essex County Council, Southend and Thurrock. As a district council, Tendring District Council cannot be a full constituent member of the Combined County Authority but it can participate as a non-constituent member and serve on committees.

Greater Essex Combined County Authority's constituent members (ECC, Southend, Thurrock Councils and the Mayor) would be able to appoint a maximum of **seven** non-constituent and associate members to support the delivery of their work programme.

- **Non-constituent** members are representatives of an organisation; for example, a district council, local NHS trust, the Police and Crime Commissioner, or a local registered housing provider. Non-constituent members *could* be given voting rights, at the discretion of the Combined County Authority (see below).
- **Associate members** are named individuals who can provide particular experience or expertise – for example, on active travel, or local businesses. Associate members cannot have voting rights (see below).

Voting rights

The Combined County Authority's constituent members (the Mayor and seven constituent council members) would be the decision makers within the Combined County Authority. Constituent members would automatically have voting rights. Non-constituent members can be given voting rights at the discretion of the Combined County Authority; associate members cannot be given voting rights. All members would have a single vote. The default voting arrangement for Combined County Authority decisions to be approved would be a simple majority in favour, including the Mayor (i.e. 5 out of 8).

Mayoral Combined County Authority summary, as proposed by the Government consultation, with Mayoral elections in May 2026:

ECC 3 members	Southend 2 members	Thurrock 2 members	Mayor
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Eight members with one vote each. Majority for decisions, five votes.

Seven additional members - either non-constituent (organisational) or associate (individual) - can be appointed to the authority. Non-constituent (organisational) members can be given voting rights at the discretion of the combined authority.

The Mayoral Combined County Authority will change should local government reorganisation take place. The new unitaries would replace Essex County, Southend and Thurrock Councils as constituent members, alongside the Mayor and legally, it will become a Combined Authority. This change does not affect the functions, powers or funding available to the area. The governance and decision-making arrangements within the Combined Authority will then be updated to reflect any changes needed.

Next steps

Local authorities in Greater Essex are discussing how best to progress Devolution and respond to the consultation. There is an ambition to submit one response from Greater Essex councils, which are supportive of devolution and positive about the benefits it can bring to transport and local infrastructure, skills and employment support, housing and strategic planning, economic development and regeneration, environment and climate change, health, wellbeing and public service reform, and public safety. The response would also support the establishment of a Mayor in Greater Essex. The consultation response will come to a view on the number of members from each Upper Tier authority on the Combined Authority and the voting rights of districts.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) acknowledges work is continuing to ensure that the District of Tendring is in the best possible position should devolution go ahead; and**
- b) endorses the Leader of the Council approving the Council's response to the Essex Devolution Consultation in consultation with the Portfolio Holder for Economic Development, Regeneration and Tourism.**

REASON(S) FOR THE RECOMMENDATION(S)
<p>It is important to focus on the residents of Tendring District as the District Council engages with partners on Devolution. While the Council is not a Decision maker on devolution, it should advocate to put local residents and businesses in the best place possible as the Strategic Authority is planned.</p> <p>The Leader and Deputy exercising their responsibilities on behalf of Cabinet will allow for the District Council to sign off the response at the appropriate time either alone or alongside other local authority partners before the deadline on 13 April 2025.</p>

ALTERNATIVE OPTIONS CONSIDERED
<p>To not respond to the consultation would be possible, but the voice of Tendring District in relation to devolution would not be heard. The Council needs to be best placed to act as both a strong voice for Tendring and to grasp those opportunities for more locally held power.</p>

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>With regard to the Council’s Corporate Plan 2024-28, devolution is a process which will be far-reaching and impact across the themes within the Plan. In particular, Devolution will relate to the Council’s stated aims of:</p> <ul style="list-style-type: none"> • Pride in our area and services to residents • Raising aspirations and creating opportunities • Working with partners to improve quality of life <p>The impacts will be felt as the new Strategic Authority will influence transport, economic development, climate change, housing, skills and community safety, and it will reshape our relationships with partners operating in these areas.</p>

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)
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<p>This report relates to the Government’s current and open Greater Essex Devolution consultation which is due to close on 13 April 2025. The proposal outlined will allow for the Leader and Deputy Leader to represent the District by taking decisions on behalf of the Council to best represent Tendring’s interests.</p> <p>The Government’s consultation is seeking views from interested parties, including those that live and work in the area, on a range of questions. The Council has notified the public of the consultation through its website, who are able to respond directly to it.</p>

LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget

	<p>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)</p>	<p>Not applicable in this instance</p>
<p>X</p>	<p>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</p>	
<p>There is a statutory process that has to be followed to establish a Combined County Authority. This includes a public consultation to seek local views and inform a final decision by government.</p> <p>The consultation is clear that the Government is minded to establish a Mayoral Combined County Authority for Greater Essex. It is required to take a decision on whether to proceed with the necessary implementing legislation after considering responses to this consultation and whether a series of statutory tests have been met. In particular, Ministers will need to decide:</p> <ul style="list-style-type: none"> • Whether they consider that the establishment of a Combined County Authority in the area is likely to improve the economic, social and environmental wellbeing of some or all of the people who live or work in the area; • Whether establishing a Combined County Authority in the area is appropriate, having regard to the need to: <ul style="list-style-type: none"> ○ secure effective and convenient local government; and, ○ reflect the identities and interests of local communities. <p>Ministers will also consider all factors in the round when taking the decision on whether to proceed with the necessary implementing legislation, including an equalities impact assessment and an environmental principles policy statement.</p> <p>If a decision is taken to proceed, and providing Essex, Thurrock and Southend-on-Sea Councils consent, the next stage is for ministers to make secondary legislation establishing the Combined County Authority and providing for the election of a Mayor on 7 May 2026. This legislation will also confer some transport and economic regeneration functions onto the Combined County Authority. This will allow the Combined County Authority to begin work on delivering local priorities from day one.</p> <p>Section 2.3 of the Government’s consultation sets out the ‘role of district councils’ and states <i>“Much of England has two tiers of local government – upper-tier county councils and lower-tier district councils – with responsibility for local services split between the two.</i></p> <p><i>While all the councils in an area are constituent members of a Combined Authority, the Levelling Up and Regeneration Act 2023 introduced Combined County Authorities consisting of upper tier local councils only.</i></p> <p><i>District councils cannot be full constituent members of a Combined County Authority but can participate as non-constituent members and serve on committees (see section 2.5 on non-constituent members’ role in decision making).”</i></p>		

FINANCE AND OTHER RESOURCE IMPLICATIONS	
Although Devolution and LGR will have far-reaching financial implications, at this stage and with the recommendations outlined, there are no specific financial or resource implications to raise.	
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
It will be important via the various governance and practical activities associated with devolution and local government reorganisation, that the Council along with its Greater Essex partners continue to make the case to the Government for the necessary financial support and financial flexibilities needed, which in turn support the wider aim of ensuring that the District of Tendring is in the best possible position should devolution and / or local government reorganisation go ahead.	
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;	Although Devolution will have far-reaching financial implications, at this stage and with the recommendations outlined, there are no specific financial or resource implications to raise.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This paper recommends a specific governance process and identifies decisionmakers to ensure transparency and openness as Devolution progresses.
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.	Devolution represents specific opportunities around economy and efficiency which, by having a clear decision-making process in place, the Council will be better able to respond to.
MILESTONES AND DELIVERY	
High level timeline: <ul style="list-style-type: none"> • Mid-spring: Public consultation closes • Late spring: Government decides which areas it wants to proceed with making the legislation to create the institution • Early summer: Government announcement of the decision • Late autumn: Devolution legislation is laid before both houses of Parliament • Early 2026: Combined County Authority established • May 2026: First mayoral elections held 	
ASSOCIATED RISKS AND MITIGATION	
There are limited risks associated with submitting a response to the Government consultation. It is possible a common response from a number of organisations in Greater Essex may have more impact on Government's approach than a single response from the Council, although ultimately the Government will decide on its course of action.	
EQUALITY IMPLICATIONS	
No protected characteristics would be affected positively or negatively by these recommendations being implemented.	

SOCIAL VALUE CONSIDERATIONS	
There are no specific social value benefits for this recommendation to respond to the consultation. However, should Devolution go ahead, there are wider opportunities for local residents, businesses, and community groups to contribute more fully if powers were decentralised to a new Strategic Authority. An opportunity exists, in this pre-Devolution period, for the consultation response of the Council to speak up for Tendring residents and businesses.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
This recommendation will not have any specific implications on Council meeting its stated net zero target.	
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	No specific impact anticipated via this recommendation.
Health Inequalities	No specific impact anticipated via this recommendation.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	No expenditure or receipt of funding relates to this recommendation and therefore subsidy control is not relevant in this case.
Area or Ward affected	Tendring wide

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>Government considers in its consultation that the Mayoral Combined County Authority across Greater Essex could have the following impacts</p> <ul style="list-style-type: none"> Transport: New transport powers, including through the Mayoral Combined County Authority becoming the Local Transport Authority, could make it easier for people to commute and travel around Greater Essex. On buses, the Mayoral Combined County Authority could decide to pursue opportunities across the whole area such as a single 'enhanced partnership' or 'bus franchising'. This could improve public transport provision and enable more people to access a wider pool of job opportunities. Improvements to local transport infrastructure will support Greater Essex's role as a major gateway between international markets and the UK economy. Given the key strategic roads that go through Greater Essex, a stronger, more formal relationship with National Highways could be particularly beneficial. The Mayoral Combined County Authority could tackle existing transport issues, including improving rail connectivity through strategic engagement with Great British Railways and a statutory role for the Mayor in governing, managing, planning and developing the rail network. Skills: The skills powers and funding available to the Mayoral Combined County Authority could help tailor training and support for adults in the area to the types of jobs

available locally and local priorities. This could help address skills shortages in key sectors such as aerospace, MedTech and agri-tech. It could also represent opportunities for key skills-related opportunities such as Freeport East.

- **Housing:** The funding and powers available to deliver new housing across the Mayoral Combined County Authority geography could help address issues around the need for new housing across the area and improve housing affordability.
- **Economic development:** The Mayoral Combined County Authority would play a key role in attracting greater levels of international investment and supporting more local businesses to grow and thrive through new economic development and regeneration powers. This could be particularly beneficial to major sectors, such as advanced manufacturing and life sciences. It could also be particularly impactful given the importance of Stansted and Southend Airports as well as Thames Freeport and Freeport East. It could also support new businesses in Greater Essex to grow and succeed.
- **Environment and climate change:** A strong role for the Mayoral Combined County Authority, such as playing a leading role in local nature recovery strategies, could help maximise the benefits from Greater Essex's natural environment. As a partner in the government's energy and climate change ambitions, the Mayoral Combined County Authority could also help the UK to meet its clean energy mission, which could build on Greater Essex's existing strengths to drive a greener economy, such as in green energy and offshore wind development opportunities.
- **Health, wellbeing and public service reform:** The Mayoral Combined County Authority could play a key role in improving health and wellbeing, underpinned by a new bespoke duty in relation to health improvement and health inequalities. This would mean that the Mayoral Combined County Authority would need to have regard to the need to improve health, and reduce health inequalities, in the exercise of its functions. Combined with an expectation that the Mayor would be appointed to one or more of the relevant Integrated Care Partnerships in the area, this could help strengthen the focus and increase the join up of action to address issues around ill health and inequalities across the area, and build on the work local councils are already doing to tackle this.
- **Representation:** The Mayor would take a seat at the Prime Minister's Council of Nations and Regions as well as the Deputy Prime Minister's Mayoral Council, which would give the area a stronger voice with the government. Greater Essex would be one of the first parts of the South East of England to be represented.

PREVIOUS RELEVANT DECISIONS

[Microsoft Word - A1 Report - Devolution and LGR proposals](#)

Local Government Reorganisation report to Council – 11 March 2025

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Annex A [Greater Essex devolution - GOV.UK](#)

APPENDICES	
None	

REPORT CONTACT OFFICER(S)	
Name	Lee Heley
Job Title	Deputy Chief Executive & Corporate Director for Place & Economy
Email	<u>lheley@tendringdc.gov.uk</u>

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CABINET

17 MARCH 2025

REPORT OF PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

A.7 COMMUNITY REGENERATION PARTNERSHIP – PROGRAMME UPDATE AND FURTHER WAVE OF PROJECTS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Cabinet on progress on the Community Regeneration Partnership programme and recommend Cabinet agree the high-level strategic approach and scope of the remaining projects aimed at place-based regeneration in Clacton and Jaywick and make delegations for the responsibility for the approach to delivery, and oversight thereof.

EXECUTIVE SUMMARY

Progress since the last report to Cabinet

On 20 December 2024, Cabinet accepted the Community Regeneration Partnership funding and commenced delivery, approving the scope and details of a first wave of projects.

Prior to this, the programme was accepted into the Policy Framework by Full Council on 8 June 2024 and the principle of entering the Partnership approved by Cabinet on 26 July 2024. Subsequently, the funding has been received and a Memorandum of Understanding entered with MHCLG which includes TDC as the Accountable Body. The funding period lasts until 31 March 2026, with entering into agreements with contractors or third parties to deliver projects sufficient to satisfy the required spend during this period.

Programme delivery

The programme includes 15 projects, identified by civil servants through a 'Deep Dive' process in January 2024. This report delivers on the commitment made to Cabinet in December 2024 to bring a future report to Cabinet setting out the scope and details of the second and third waves.

Overseeing the programme is within the Economic Growth, Regeneration and Tourism Portfolio, with supporting Portfolio Holders identified for specific projects, set out below and within the report to Cabinet in December 2024.

The 15 projects have been grouped into:

- four thematic clusters, relating to common geography and outcomes in the context of past vision and regeneration work by the Council; and
- four 'waves', relating to the timelines attached to each project for scoping and delivery. The first and fourth waves were approved by Cabinet in December 2024, which included delegation to enter an appropriate funding agreement with the identified delivery partners.

First wave	Recommendations for next steps	 Arts / community micro venue	 Shopfront improvements	 Community Transport Buses	 Healthy Homes Initiative	Culture	
Second wave	Further clarification on scope	 A spatial plan for culture	 Martello Tower E	 Public open spaces in Jaywick	Third wave Subject to existing governance	 Active Wellbeing Centre	Town Centre
Fourth wave	Subject to legal & funding agreement	 Improving public realm	 Skills Hub fit-out	 Bus infrastructure in Clacton & Jaywick	 Tudor Fields	 Town Centre Building	Jaywick Sands
		 Urgent Treatment Centre				 Solar panels to Sunspot	Wellbeing

The second and third wave projects incorporate the following outcomes and approaches, with further detail set out in the appended presentation. Approving the scope and details of these projects will allow progress to delivery including delegations to the relevant Portfolio Holder(s).

Wave	Project ID and value	Supporting Portfolio Holder	What this project will achieve	How this project will be approached	Key risks
2	Public open spaces in Jaywick Ten_09 £2m	Portfolio Holder for Leisure & Public Realm	Enhancing public open space in Jaywick including soft landscaping, play and access improvements	Pilot projects including improvements to Memorial Gardens and Dig4Jaywick; Improvements to public spaces including procurement of Landscape Architect-led team and suitably qualified contractor for design & delivery.	Budget and scale of impact Community buy-in and future care Future maintenance
2	Martello Tower E Ten_11 £2m	Portfolio Holder for Assets	Repurposing up to two of the underutilised towers into event or culture venues	Building refurbishment project incorporating Listed Building Consent submission; procurement of suitably experienced Conservation Architect-led team and conservation contractor for detail design and delivery; feasibility studies and soft-market testing to	Building condition Budget & feasibility Constraints on future use Approvals & consents

				establish financially viable & sustainable tenant uses, leading to tenant procurement.	
2	A spatial plan for culture Ten_14 £100,000 revenue	Portfolio Holder for Arts, Culture & Heritage	Master-planning and visioning funding to support establishing the necessary partnerships, actions and capacity needed for a cultural quarter	Procurement of suitably qualified and experienced consultant team to develop strategy including public consultation.	Definition of scope Interface to other workstreams including Long Term Plan for Towns Delivery of proposals
3	Sunspot Centre solar panels Ten_04 £150,000	-	Fitting solar panels to the Sunspot Centre to reduce heating costs	Supply & install of panels originally proposed in design including pilot of local procurement approach	Procurement
3	Active Wellbeing Centre Ten_12 £3m	Portfolio Holder for Leisure & Public Realm	Works to tackle urgent building condition issues at Clacton Leisure Centre and deliver new All Wheels Facility	Procurement of suitable consultants to complete proposals to rectify building condition and procurement of contractor to complete main build works	Budget and feasibility Timescale of AWC ambition in context of Local Government Reform
3	Town Centre Building Ten_13 £5m	Portfolio Holder for Assets	Acquiring and repurposing a town centre building for community and/or cultural usage	Procurement of external agent to conduct negotiation, acquisition subject to future Cabinet Report. Property Dealing Procedure initiated in September 2024	Subject to further funding for full works Commercially sensitive Subject to feasibility of acquisition

The Property Dealing Procedure was initiated in relation to project Ten_13 in September 2024, to enable the feasibility of the project to be appraised, reference should be made to the relevant report.

A formal Project Initiation Document (PID) is under development for all projects under the CRP2 programme, as the first step of establishing best practice project management protocols. The PIDs expand on the information provided within this report and will follow an approval process including Project Board and Programme Board at officer level, including senior management, and by the relevant Portfolio Holder. These PIDs will provide the basis for monthly Highlight Reports throughout the project trajectory through to delivery and close-out.

Resource and capacity

In January 2025, the Council received a further £60,000 of grant funding through the Levelling Up Fund (LUF) Capacity and Capability fund. This report recommends that this grant funding is formally accepted by the Council and allocated to the Project Delivery Unit budget, to continue to ensure the necessary expertise and capacity is available for delivery across the different funding programmes.

The programme will continue to be monitored and reviewed considering the Council's capacity, noting mechanisms included within the Memorandum of Understanding to allow adjustments to the projects, in particular in light of Local Government Reorganisation and associated resourcing priorities.

Local Government Reorganisation (LGR)

Whilst the funding envelope ends in March 2026, prior to the current timeline for the completion of LGR and vesting of a new combined authority, nevertheless the assets that the CRP2 affects and/or creates will be relevant to a future authority. Project delivery must therefore be cognisant of this context and mindful in terms of the potential implications and in particular what each project commits a future organisation to. The relative impact of LGR and specific approaches to mitigate, manage or respond; is further appraised on a project-by-project basis. Key considerations include:

- Detailed and robust business cases for future uses, including expert and market input, to ensure financial sustainability of new and existing assets, to avoid placing a revenue burden on a future organisation;
- Proactive forward planning in project set up and governance, to manage additional burden placed on corporate resource;
- Recruitment of additional resource as part of the Project Delivery Unit to further reduce burden placed on corporate resource as previously approved;
- Collaborative working across the council and partners, including ECC and community & voluntary sectors, to ensure the project outcomes are fit for purpose and maximise project success;
- Proactive project management to deliver completion in advance of LGR to minimise risk of disruption to projects leading to potential delays and additional costs.

Next steps

Subject to the specific recommendations and approach set out for each project, further reports will be brought to the relevant Portfolio Holders for approval during the funding period. For further information please refer to the 'Legal Requirements' section later within this report.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) approves the scope and details of the ‘second’ and ‘third’ wave projects set out in Table 2 of this report for implementation and that the following delegations are based upon the information as set out in Table 2;**
- (b) subject to (a) delegates authority to the Portfolio Holder for Economic Growth, Regeneration and Tourism in consultation with:**
- (i) the Portfolio Holder for Portfolio Holder for Leisure & Public Realm to approve the detailed brief and procurement strategy through to contract award for delivery for the Public Open Spaces in Jaywick project (Ten_09);**
 - (ii) the Portfolio Holder for Assets to agree the procurement strategy through to contract award for delivery of the Martello Tower E project (Ten_11);**
 - (iii) the Portfolio Holder for Leisure & Public Realm to proceed to agree the procurement strategy through to award of contract for the Active Wellbeing Centre Phase 1 project, incorporating urgent repairs (Ten_12);**
 - (iv) the Portfolio Holder for Arts, Culture & Heritage to approve detailed brief and procurement strategy through to award of contract for delivery of the Spatial Plan for Culture project (Ten_14);**
 - (v) the Portfolio Holder for Leisure & Public Realm to approve detailed brief and procurement strategy through to award of main building contract(s) for the Active Wellbeing Centre Phase 1 project subject to the outcome of a formal procurement process;**
 - (vi) for the Sunspot Solar Panels project (Ten_04) authority is delegated to the Portfolio Holder for Economic Growth, Regeneration and Tourism to agree the procurement strategy through to award of contract for completion of the project;**
- (c) requests the procurement strategy for each of the projects to specify the relevant Social Value Themes, Outcomes and Measures in accordance with the Council’s adopted policy;**
- (d) accepts the £60,000 grant received from the Ministry for Housing, Communities and Local Government LUF Capacity and Capability fund and allocates the sum in full to the budget established for the Project Delivery Unit; and**
- (e) approves the Regeneration Capital Delivery Board (RCDB) be formally established as the programme governance board with authority for the Community Regeneration Partnership and delegates authority to the Portfolio Holder for Regeneration, Economic Growth and Tourism to approve the final terms of reference of the RCDB, to include:**
- that the RCDB shall coordinate and oversee the work of Project Boards formed for each Project;**
 - that the RCDB shall oversee and approve terms of reference of the Project Boards;**

- that the RCDB shall report directly to the Portfolio Holder for Economic Growth, Regeneration and Tourism by way of a report by the Corporate Director of Place & Economy; and

- (f) approves that with the robust project management principles being established and delivered against, constitutional Portfolio Holder Responsibilities and corporate oversight through the Regeneration Capital Delivery Board, each project can progress without reference back to Cabinet, unless the details of the individual scopes are proposed to be altered or timescales for delivery contrary to the MOU with MHCLG is at risk.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are made to capitalise on the Government's funding opportunity to address key socio-economic challenges in Clacton-on-Sea and Jaywick Sands, improve local infrastructure, enhance community services, and contribute to the long-term regeneration of the area. This is a once in a decade opportunity for Tendring to deploy investment on this scale, in addition to other government funding, to be benefit of Clacton-on-Sea and Jaywick Sands.

ALTERNATIVE OPTIONS CONSIDERED

- **Not to allocate funding to these projects:** This option was carefully considered however it was dismissed as it would forfeit significant government funding and the opportunity to address important local issues;
- **Not progress with commencing the projects at this time:** due to the limited timescale set out within the Memorandum of Understanding, swift development of the projects will be necessary to address the programme risk and ensure defrayment is achieved during the funding period;
- **Not accept the grant funding:** the capacity and capability funding is made available to recipients of the LUF/CRP funding to support the delivery of the funding programmes. Accepting this funding supplements the budget already approved by Cabinet for the necessary resource to deliver the identified projects.
- **Not allocate the grant funding to the PDU:** The PDU is the dedicated team established to ensure the proper delivery of the projects including the adoption of relevant project management best practice. Existing delegations are in place to allow for the PDU budget to be utilised accordingly

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Pride in our area and services to residents

- *Promoting clean and tidy communities* and *Promoting pride in our communities:* The programme will enhance Clacton-on-Sea and Jaywick Sands by improving cleanliness and tidiness, boosting local pride.

Raising aspirations and creating opportunities

- *Tendring is ambitious and our residents will be supported to reach their potential and realise their opportunities:* Projects like 'Town Centre Building', 'Seafront Micro Venue', and 'Cultural Masterplanning' support local entrepreneurship and economic growth.

'Shopfront Improvements' and 'Community Transport Buses' will boost local businesses and raise aspirations.

- *Working with businesses and partners, [...] improve access to skills learning and training so that residents can find employment and enable businesses to thrive:* 'Community Transport Buses' and 'Tudor Fields' will improve local connections and access to improve access to skills and employment.
- *Encourage cultural, tourism and economic growth:* Projects such as 'Cultural Masterplanning' and 'Town Centre Building' will support the tourism economy locally and with a particular focus on culture.

Championing our local environment

- *Our environment is special [...] and therefore deserves protection:* Projects such as public realm improvements to Clacton-on-Sea town centre and Jaywick Sands will deliver improvements to the local environment through targeted maintenance, expansion and improvements to soft landscaping.
- *Create and maintain spaces for leisure, wellbeing and healthy lifestyles:* A number of the projects such as Tudor Fields, include direct benefits for wellbeing and healthy lifestyles by promoting active travel.

Working with partners to improve quality of life

- *Working with our partners across government, public, private and third sectors:* Programme delivery includes working with our partners at a range of levels, from collaborating with MHCLG, through to delivery partners including ECC and NHS, down to the local level, providing grants to local organisations.

Promoting our heritage offer, attracting visitors and encouraging them to stay longer

- *Boost our tourism by attracting more visitors:* Delivering aesthetic and functional improvements to Clacton-on-Sea town centre and the seafront, increasing the number of local attractions and improving the area's appearance.
- *Support our unique heritage:* Including repair and refurbishment works to existing historic buildings, located within Clacton Seafront Conservation Area, contributing to best practice stewardship of historic assets for future generations, setting an example for other partners in the area and contributing to improvement of the wider Conservation Area
- *Promote the district for the benefit of our residents and to encourage visitors to come and to stay for longer:* Providing additional facilities for residents and visitors, supporting local tourism economy, meaningful engagement to ensure relevance and inclusivity of future tenant/use strategy to local residents.

Financial Sustainability and openness

- This will be delivered through effective management at both programme and project level, supported by the new Project Delivery Unit, to ensure a high level of control and assurance on programme budgets to deliver on or under budget and within the parameters set out within this report.
- Through utilising best practice protocols and adopted Council procedures in relation to external grant programmes, alongside capturing lessons learned from recent similar programmes to maximise accessibility and impact.

Tendring District Local Plan 2013-2033 and Beyond: Section 2, Adopted 25th January 2022

- Vision and Objectives: "Clacton will have preserved and enhanced its heritage features".
- Clacton is classified as a Major Town Centre and the site falls within:
 - Priority Areas for Regeneration
 - Conservation Area
- Economic Development Strategy: Objective 1: Support Tendring's growth locations.

- Love Clacton vision seeks to celebrate town centre’s seaside heritage and unique history; concentrate activity in the central core; and provide new spaces for arts, entertainment and community facilities.

Clacton-on-Sea Conservation Area Appraisal

Projects including Shopfront Improvements, Town Centre Building and Seafront Micro Venue will make a positive contribution to historic assets and to the Conservation Area as a whole.

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 programme is the outcome of extensive engagement with both internal and external stakeholders:

- The long list of projects for consideration as part of the Deep Dive were compiled from extensive previous engagement throughout Clacton-on-Sea and Jaywick Sands, combining public engagement with local communities; Councillor engagement across the Cabinet and Wards; and across officer teams within the Council, as part of programmes including: Clacton Town Centre Vision, 2009 including Community Forum and Councillor Working Group; Love Clacton Vision, 2020; Future High Streets Fund application, 2020; and Jaywick Sands Place Plan, 2023.
- The projects were selected through a ‘Deep Dive’ of civil servants speaking to over 45 key local stakeholders, including, community groups, businesses, and public sector partners, and reviewing local strategies and plans, based on consultations.

Communication, Engagement and Marketing Plans are being developed for each project as part of Project Initiation Documentation, and officers are working closely across the LUF/CRP and Plan for Neighbourhoods (formerly Long Term Plan for Towns) funding streams to ensure public consultation is consistent. Resources are required to support the production and implementation of these plans, as previously identified.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input checked="" 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)	6 February 2025

Funding

The funds were received via a Grant under Section 50 of the United Kingdom Internal Market Act 2020, which provides the Government with the power to provide financial assistance for economic

development etc. The Section 151 Officer signed the Memorandum of Understanding (MoU) on 27 September 2024 and funds were received in November 2024.

The objectives of the partnership in the MoU are to address the issues that have hampered attempts to narrow spatial inequality to date – chiefly the lack of necessary policy and delivery coordination in the town centre, and lack of local empowerment on the ground. Specific objectives are to:

- Improve the living offer
- Improve community safety in Jaywick
- Increase connections and access to jobs

Government expects a level of monitoring of milestones, spend, risks, outputs, and outcomes with a quarterly review with MHCLG. The Council is expected to keep records of the activities. There is also wider national impact evaluation of the programme, which the Council may be expected to take part in. The Council is expected to provide MHCLG with a signed statement of the Section 151 Officer that the grant has been used for the delivery of the funded activities.

The MoU expects the Council to have the necessary governance and assurance arrangements in place and adhere to public law duties including public sector equality duty, public procurement law, data protection law, the subsidy control regime and relevant guidance set by HM Treasury for spending public money.

The Council will complete a Fraud Risk Assessment to ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the risk of both fraud and payment error. The Council will ensure data can be shared for the prevention and detection of fraud by including the following clause in all agreements with companies or external entities: *‘Data may be shared with other enforcement agencies for the prevention and detection of crime.’*

Programme delivery

This report seeks to satisfy the commitment made to Cabinet in July 2024 to present a further report for the approval of detailed project level spend, setting out delivery, spend and milestones, for the second and third wave projects.

As set out in the report to Cabinet in December 2024, the Portfolio Holder for Economic Growth, Regeneration and Tourism will oversee the programme as a whole, with support from other Portfolio Holders where relevant as set out in relation to the specific projects as follows:

Project and value	Supporting Portfolio Holder	Next steps and delegations sought	Future governance milestones
<p>Public open spaces in Jaywick Ten_09 £1.3m</p>	<p>Portfolio Holder for Leisure & Public Realm</p>	<p>Delegation to the relevant Portfolio Holder for procurement and appointment of design team, submission of applications for statutory consents as required and going to market for main contractor</p>	<p>Enter building contract with main contractor incorporating delegation to Portfolio Holder to accept building on completion</p>

Martello Tower E Ten_11 £2m	Portfolio Holder for Assets	As above	Enter building contract with main contractor incorporating delegation to Portfolio Holder to accept building on completion
A spatial plan for culture Ten_14 £100,000 revenue	Portfolio Holder for Arts, Culture & Heritage	Delegation to the relevant Portfolio Holder for procurement and appointment of design team	Enter contract with consultant
Sunspot Centre solar panels Ten_04 £150,000	-	Delegation to the relevant Portfolio Holder for final design brief, submission of applications for statutory consents as required and going to market for main contractor	Enter building contract with main contractor
Active Wellbeing Centre Ten_12 £3m	Portfolio Holder for Leisure & Public Realm	Delegation to the relevant Portfolio Holder for final design brief, submission of applications for statutory consents as required and going to market for main contractor	Enter building contract with main contractor incorporating delegation to Portfolio Holder to accept building on completion
Town Centre Building Ten_13 £5m	Portfolio Holder for Assets	Site appraisals, valuations and price negotiations in line with delegated powers under the Property Dealing Procedure; works to prevent remedy building condition	Approve acquisition subject to contract and enter main contract

A range of existing Council procedures, policies and strategies are relevant to the delivery of the projects set out within this report, including:

- Property Dealing Procedure
- Procurement Strategy (recommended to Full Council for adoption on 25th March 2025)
- Social Value Policy

Depending upon values of the contracts, procurement activity may be covered by the new Procurement Act 2023 and associated regulations. Formal contractual documentation will be required for each procurement, as the Council is the contracting authority.

■ YES

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

For each of the authorised delegations formal Executive Decisions will be required and subject to call in, therefore this process should be factored into any timelines for the individual projects. Compliance with the new Procurement Act 2023 is required, and Cabinet Office guidance references a 4 stage commercial pathway with the PROCURE stage being the 3rd, therefore the preparatory stages are more crucial than ever. All of these projects should be included within the Council's Procurement Project Pipeline, which is overseen by the Portfolio Holder for Assets and Community Safety, being responsible for the corporate procurement function, ensuring it is covered within the Essex Partnerships prioritisation approach.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Community Regeneration Partnership

The total funding received for the Partnership projects in Tendring is £19.79m capital and £100,000 revenue, awarded to the Council through a Section 50 grant. The Memorandum of Understanding defines a funding envelope extending to 31st March 2026, by which point the funding is to be defrayed, defined as including being in contract. The Council received the full £19.89m funding from Government in one payment on the 26th November 2024.

Though this mitigates the risk of funding being withdrawn for the projects identified if the necessary milestones are not achieved within the funding envelope Cabinet should be aware that there remains a risk that some money will need to be returned unspent if not spent in time.

Within the above funding, the Memorandum of Understanding enables the Council to adjust the allocation of funding between the different projects identified, without recourse to MHCLG as the funder. The projects being brought forwards in this report have been subject to appraisal during Q4 2024/5 to ensure that there are suitable approaches to deliver the projects to the point of defrayment within the funding envelope.

The Council also has the option to request the addition of projects to be funded, through a formal change request with MHCLG, however this comes with an attendant programme risk as the duration prior to approval of any change request is uncertain and could impact on the viability of expending the relevant funding.

Where delivered directly by TDC the Programme will be subject to the various existing financial governance arrangements throughout the lifetime of each project as well as lessons learned from previous and ongoing projects by the Council including LUF/CRP.

Second and Third Wave of Projects

The funding in place for the projects presented within this report are set out as follows:

Project	Project budget recommended for allocation of capital expenditure from Community Regeneration Partnership funding	What this budget will be spent on
Ten_09 Public open spaces in Jaywick	£2m	Procurement of consultant and contractor(s) to deliver
Ten_11 Martello Tower E	£2m	Procurement of consultant and contractor(s) to deliver
Ten_14 A spatial plan for culture	£100,000 revenue	Procurement of consultant team to deliver commission
Ten_04 Sunspot Centre solar panels	£150,000	Procurement of contractor to supply and install
Ten_12 Active Wellbeing Centre	£3m	Procurement of consultant and contractor(s) to deliver urgent repairs and new facility
Ten_13 Town Centre Building	£5m	Procurement of agent to progress acquisition; potential acquisition of site including associated legal costs; procurement of contractor(s) to deliver site investigations and urgent works to halt decay

Project Delivery Unit

The July 2024 Cabinet report set out the proposals and funding for a Project Delivery Unit, to provide the capacity for the organisation to delivery major projects and capital schemes, including those funded by Government under the Levelling Up banner. Cabinet allocated £1m funding from the Financial Outturn 2023/4 to appoint staff to the Project Delivery Unit on a fixed term basis for up to two years.

A grant of £90,000 was received by the Council from the Levelling Up Partnerships Capacity Revenue Grant in January 2024 and allocated to the Project Delivery Unit in July 2024. In addition, a sum of £86,000 was made available by the Government as capacity funding to support the Levelling Up Capital Project in Clacton. Both the above were transferred by Cabinet to the funding of the Project Delivery Unit, bringing the total initial funding to £1.176m.

In addition to the above, the Financial Performance Report 2024/5 presented to Cabinet in November 2024 authorised the Director for Governance and the Director for Finance & IT, in consultation with the Corporate Director (Place and Economy), to enter into an agreement with Essex County Council (ECC) to increase existing procurement capacity for Tendring District Council and agreed a sum of up to the value of £120,000 over two years from the associated approved budget to fund the additional procurement capacity from ECC.

In this same meeting Cabinet also authorised the Chief Executive, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment.

It should be noted that where resource is utilised for the delivery of capital funding across the programme, the necessary finance can be capitalised and drawn down from the relevant grant funding. This approach is proposed so as to maximise the availability and impact of the Council's revenue funding to the PDU. This is the approach utilised to date for the LUF/CRP Capital Delivery Programme Manager post.

The posts in place as part of the Project Delivery Unit are as follows:

- Head of Unit (consultant)
- Capital Delivery Programme Manager (agency)
- Contracts lawyer (agency)
- Property lawyer (fixed term)
- One project manager (permanent)
- Two project managers (fixed term)

Recruitment is continuing for: a Senior Finance Manager; and Resource & Project Assistant.

A further £60,000 grant funding was received on 24/1/2025 from the Levelling Up Fund: Local Growth Capacity Support Payment 2024-25. This payment is provided to help mitigate any immediate delivery issues encountered in delivering LUF-funded projects and to enable the Council to make continued improvements in your capacity to accelerate the delivery of LUF project(s). This report recommends that this sum be allocated to the PDU budget, to extend the reach of the Council's funding.

	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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Although there are no significant comments over and above those set out elsewhere in this report, it is acknowledged that the individual decisions proposed to be delegated to Portfolio Holders will set out specific financial and associated risks etc. as part of that element of governance. It will also be important to track and report project progress through robust project monitoring and the proposed formal establishment of the Regeneration Capital Delivery Board as the programme governance board will play an key role within this context, which includes reporting as necessary to the Portfolio Holder and/or Cabinet by way of a report by the relevant Director.

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;	Included in body of report
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Included in body of report
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.	Included in body of report

MILESTONES AND DELIVERY

The overall milestones across the programme through to the current deadline provided by MHCLG of March 2026 was set out in the December 2024 Cabinet Report as follows:

URN	Project	Wave	Category	2024/5		2025/6				
				Q3	Q4	Q1	Q2	Q3	Q4	
Ten_02	Community Transport Buses	1	Grant	Cabinet	Prepare	Open call	Award	Delivery		
Ten_06	Healthy Homes Initiative	1	Acquisition	Cabinet	Appraise	Procure	Negotiate	Purchase		
Ten_08	Shopfront improvements	1	Grant	Cabinet	Prepare	Open call	Award	Delivery		
Ten_10	Seafront Micro Venue	1	Construction	Cabinet	Prepare	Procure	Design	Delivery		
Ten_09	Jaywick Sands Public Open Space	2	Construction		Cabinet	Procure	Design		Delivery	
Ten_11	Repurposing Martello Tower E	2	Construction		Cabinet	Procure	Design		Delivery	
Ten_14	Cultural masterplanning	2	Strategy		Cabinet	Procure	Design		Delivery	
Ten_04	Sunspot Centre solar panels	3	Construction		Cabinet	Procure	Design		Delivery	
Ten_12	Active Wellbeing Centre Phase One	3	TBC	Feasibility study		Next steps		Development		Delivery
Ten_13	[...] Town Centre Building	3	Acquisition		Appraise site	Procure team	Negotiation	Cabinet	Purchase	
Ten_01	Bus infrastructure in Clacton and Jaywick	4	Construction	Cabinet	Draft agreements	Enter agreements	Development funding		Delivery funding	
Ten_03	Fitting out skills hub at Clacton Hub	4	Purchase	Cabinet						
Ten_05	Tudor Fields - Jaywick walking route	4	Construction	Cabinet						
Ten_07	Town Centre and Seafront Public Realm	4	Construction	Cabinet						
Ten_15	Urgent Treatment Centre	4	Construction	Cabinet						

The point of defrayment identified is shown by the red line. Progress to date is in line with the above.

ASSOCIATED RISKS AND MITIGATION

The Community Regeneration Partnership projects pose a significant delivery risk to the organisation. The MoU states that ownership of risk will be transferred to the Council as the accountable body and sets requirements for ongoing risk monitoring and reporting by the Council.

Risk management forms a crucial part of the updated project initiation and reporting documentation being introduced by the Council's new Project Delivery Unit, including monthly Highlight Reports to Project and Programme Boards. The top ten programme risks are appraised below including 'Red, Amber, Green' (RAG) rating indicating any movement on the risk from the last reporting period:

Ref No.	Description of Risk & Consequences	Mitigation Strategy	I	L	T
R-1	Local Government Reorganisation Upcoming changes in authority with Essex on pilot programme; various risks including inheritor organisations and different responsibilities of organisations	Monitor updates and ensure suitable arrangements put in place to address details when available	5	3	15
R-2	Corporate capacity Substantial additional workload across Council corporate teams alongside other programmes and BAU	Governance procedures planned from outset to reduce burden; additional resource in place in PDU including legal	5	3	15
R-3	Legal considerations around acquisition resulting in failure to acquire	Known risks attached to Ten_13 which constitutes 25% of programme, feasibility underway to allow funding to be reallocated if necessary	4	3	12
R-4	Project interfaces with other works underway Failure to integrate with related projects within this and other programmes that would result in suboptimal or conflicting programmes	Ongoing scoping including collaborative workshops to define interfaces between projects; PIDs under development; regular programme reviews to ensure alignment	3	4	12
R-5	Unable to reallocate funding across the programme	Feasibility to be completed at outset to allow reallocation in time for funding to be expended on other projects	5	2	10
R-6	Failure of projects to align with corporate priorities	To be captured in project initiation documents for sign off by Portfolio Holder	5	2	10
R-7	Market conditions impacting on project scoping during delivery period; such as cost inflation or change in economic market for tenants	Regular monitoring throughout project development including from suitably qualified external consultants with intelligence across market	5	2	10
R-8	Governance TDC Member engagement and governance across programme	Updating Terms of Reference for TDC Boards to facilitate improved reporting and scrutiny	2	5	10
R-9	Planning and LBC approvals Failure to achieve statutory consents within funding envelope	Audit of projects to identify where required to allow to be planned in programme; early engagement with Planning to derisk	3	3	9
R-10	Procurement Known issue of capacity and delays attached to EPP	Early liaison with EPP ongoing; named contacts assigned to each project, extra time allowed in programme	3	3	9

In addition to the 'top ten' risks set out above, Cabinet should be aware that whilst the MoU has been signed with MHCLG, there remains the potential that the specific definitions of key wording including but not limited to 'defrayment' could be sought to be revised during the funding envelope. Officers remain in regular correspondence and liaison with the relevant contacts at MHCLG to seek to mitigate this risk.

EQUALITY IMPLICATIONS

The Partnership delivers a range of projects that seek to provide benefits to people, including supporting people with protected characteristics. Equality Impact Assessments are being completed individually for each project as part of the Project Initiation Documentation.

SOCIAL VALUE CONSIDERATIONS

The programme will deliver £19.89M investment into Clacton and Jaywick with the potential for substantial social value through both delivery and outcome. All procurement with a value over £100,000 will be subject to the Council's Social Value Policy adopted November 2024 including

the Themes, Outcomes and Measures set out within, which are proposed to be selected specific to each project and procurement in consultation with the relevant Portfolio Holders.

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

The projects identified within the programme offer the opportunity for a range of benefits in line with the Council’s Climate Action Strategy 2024-7. For full details refer to the December 2024 Cabinet Report.

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	Delivering the programme will deliver benefits by: contributing to improving perceptions of safety; discouraging anti-social behaviour through creating a more positive atmosphere; and encouraging communities to take care of their environments. Designing Out Crime Officers from ECC will be engaged at the relevant points, as appropriate to the specific projects.
Health Inequalities	Delivering the programme will deliver benefits including: expanded facilities at Clacton Hospital; new fitness & wellness facilities at Clacton Leisure Centre; and measures to support active travel throughout Clacton and Jaywick.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	Subsidy Control has been considered for each project across the programme from the outset, with the approach in each instance designed so as to mitigate any potential risks in this regard.
Area or Ward affected	West Clacton & Jaywick Sands; St James; Coppins; Bluehouse; Cann Hall; Pier; St Paul’s; St John’s; Burrsville; Eastcliff; St Bartholomew’s

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Community Regeneration Partnerships are targeted interventions designed to identify practical, tangible actions to support priority places, based on a deeper understanding of the unique challenges and opportunities in priority areas, and via a partnership approach harness collective powers to tackle the most pressing issues.

Collectively with the existing Levelling Up Fund, Capital Regeneration Projects and Plan for Neighbourhoods (formerly Long Term Plan for Towns) funding, the Council and partners has a once in a generation opportunity, to deliver a diverse, transformative range of interventions across our district: to improve quality of life, access to opportunities and health & wellbeing for our residents.

Government requested that funding was targeted at projects in the largest conurbation within the District, Clacton-on-Sea, with agreement that this could also extend to Jaywick Sands due to its proximity and the recently completed Place Plan. Specific objectives of the Partnership are:

- Improve the living offer
- Improve community safety in Jaywick
- Increase connections and access to jobs

Cabinet was updated in December 2023 of a planned visit by Government officials Tendring between January and March 2024 to carry out a 'Deep Dive,' reviewing data, documents, and meeting with key partners in the public and voluntary sector. At the request of Government the Council, along with partners, shared strategic documents and a pipeline of projects. This included projects developed as part of previous funding applications including the Future High Streets Fund; and the Jaywick Place Plan; each based on substantial public consultation.

MHCLG confirmed in October 2024 that the funding would continue under the new Government, with the programme rebranded 'Community Regeneration Partnerships' in December 2024. The MoU was signed in September 2024; the funding received by the Council in November 2024; and formally accepted by Cabinet in December 2024.

The programme and projects

Project planning is underway across the programme, summarised as follows:

Project controls

- Future reports will be brought for each project to the relevant Portfolio Holders, in line with the governance milestones set out above, alongside regular reporting by the RCDB to the Portfolio Holder for Economic Growth, Regeneration and Tourism, as set out within the recommendations;
- The Partnership programme is included within the terms of reference of the existing Levelling Up Fund & Capital Regeneration Projects Portfolio Holder Working Party. With the Levelling Up Fund projects progressing to planning, it is expected that this will allow sufficient time for the Working Party to consider the development of the Partnership projects;
- Programme Board: The Partnership projects will report to the Regeneration Capital Delivery Board, as set out within the recommendations, which meets monthly and includes senior officers across both TDC and ECC, ensuring ongoing officer level scrutiny and allowing the projects delivered by the two Councils to be considered collectively;
- Project Board: due to the varied nature of the projects in terms of output, process and extent, specific project boards are being established, to ensure the appropriate teams have regular involvement throughout project development.

Timelines

Each of the projects included within the Partnership has been appraised in terms of the feasibility of satisfying MHCLG's requirements for the funding, in advance of the provided deadline of March 2026. Further detail is included within the relevant section of this report. Should at any point during the scoping process the project be deemed not to be feasible, either due to scope or timescales, the MoU between MHCLG and Tendring District Council allows for the funding to be reallocated within the Partnership, to one of the other identified projects.

Other relevant workstreams
 Work is ongoing to establish an updated evidence base and business cases for future use for assets within Clacton-on-Sea town centre in which the Council has an interest, including a number of assets considered under this scheme. This includes a Need & Demand Study funded by the UK Shared Prosperity Fund 2024/5, due for completion in March 2025.

Resource and capacity

The Cabinet Report in July 2024 allocated funding to a Project Delivery Unit and noted that the Chief Executive under his delegated powers would arrange recruitment; in November 2024 this was extended to enable the funding to be utilised to both procure and recruit resource. The PDU currently includes: a Head of Unit, appointed through the Local Government Association Talent Pool; an agency programme manager; three project managers; a property lawyer; a locum contracts lawyer; and a projects & resource assistant. Recruitment continues for further posts including: communications; procurement; and finance officers; to support the successful delivery of the Community Regeneration Partnership programme alongside the Levelling Up Fund, Capital Regeneration Projects and Plan for Neighbourhoods funding programmes.

Funding agreement

In December 2024 Cabinet delegated to officers to enter a suitable funding agreement with delivery partners for the 'fourth wave' projects. A funding agreement has been drafted by the Council's Director of Governance and is being finalised by the contract lawyer appointed to the PDU. Once finalised the funding agreement will be shared with delivery partners for signing and sealing subject to their internal governance processes, with the target for this to be completed by end of Q1 2025/6.

PREVIOUS RELEVANT DECISIONS

- 23rd December 2023; Cabinet: Government Funding Opportunities for Tendring ([12067](#))
- 8th June 2024; Full Council: Tendring District Council to become the Accountable Body for the Levelling Up Partnership
- 26th July 2024; Cabinet: Resources to increase project delivery and progress Levelling Up Partnership ([12630](#))
- 27th September 2024; Executive Decision: Memorandum of Understanding - Levelling Up Partnership with Government ([12841](#))
- 18th November 202: Initiating Property Dealing Procedure ([13001](#))
- 20th December 2024: Community Regeneration Partnership (Formerly Levelling Up Partnership - Programme Delivery ([19664](#)))

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Refer to above relevant decisions

APPENDICES

Appendix 1: Summary presentation

REPORT CONTACT OFFICER(S)

Name	Emma Twine
Job Title	Project Manager
Email	etwine@tendingdc.gov.uk

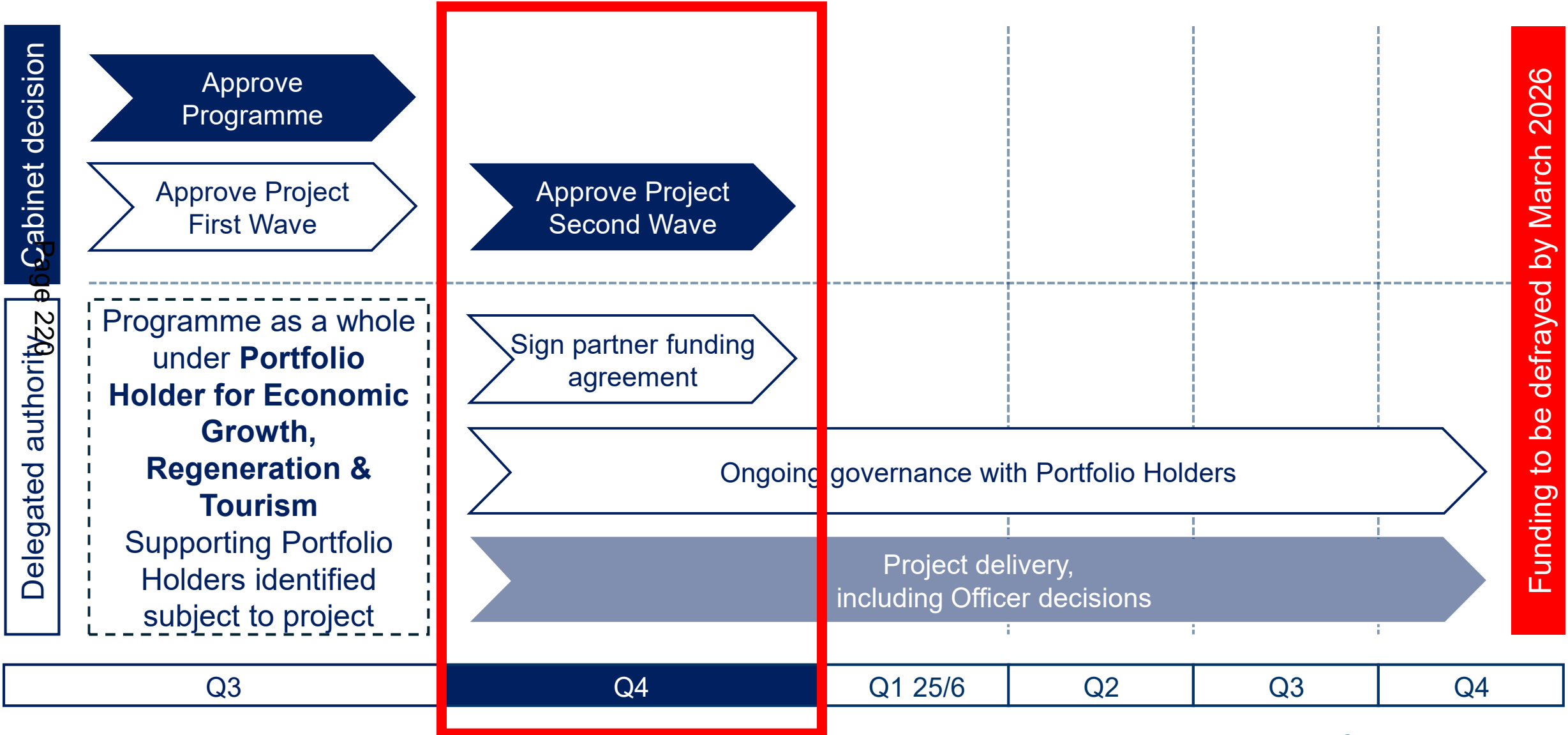
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Community Regeneration Partnership

March Cabinet
Programme Update

Programme status



Project status

First wave

Recommendations for next steps



Arts / community micro venue



Shopfront improvements



Community Transport Buses



Healthy Homes Initiative

- Culture
- Town Centre
- Jaywick Sands
- Wellbeing

Second wave

Page 221
Further clarification on scope



A spatial plan for culture



Martello Tower E



Public open spaces in Jaywick

Third wave

Subject to existing governance



Active Wellbeing Centre



Town Centre Building



Solar panels to Sunspot

Fourth wave

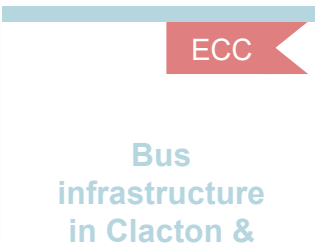
Subject to legal & funding agreement



Improving public realm



Skills Hub fit-out



Bus infrastructure in Clacton & Jaywick



Tudor Fields



Urgent Treatment Centre

The Partnership in 2026

Where will each project be by the funding deadline?



Feasibility of acquiring the **Town Centre Building** will have been established and, subject to outcome, purchase complete



Works to the **Martello Tower E** will have commenced on site, with a building contract in place



Public realm improvements agreed and designed, MoU for funding with ECC and construction progressing



Grant programme for **shopfront improvements** will be awarded and works completed by recipients



Designs developed and works completed on site to transform **public open spaces in Jaywick Sands**



Solar panels to Sunspot installed, running costs reduced and fuel poverty support available



Works complete to new All Wheels Park, repairs completed to centre and brief for **Active Wellbeing Centre** developed



Construction completed at the **Seafront Micro Venue** and tenant preparing to open



A **spatial plan for culture** will be adopted, to drive investment and regeneration in Clacton town centre

Bus infrastructure improvements agreed, MoU with ECC and date of completion in place



Funding awarded to organisations and **Community Transport Buses** purchased



MoU agreement in place with ECC and agreed commitment for identified equipment for the **Skills Hub Fit-out**



Design of **Tudor Fields** walkway/cycle path agreed, funding committed and completion date set



A series of sites improved following acquisition by the **Healthy Homes Initiative**, enforcement continues



Funds transferred to NHS under MoU and construction of **Urgent Treatment Facility** advanced

Project updates

Current priorities:

- Project documentation
- Project team formation & inception
- Appraisal of project feasibility
- Funding agreements
- Preparation for procurement
- Forward Plan for future governance including where delivered by partners

URN	Project	Wave	PDU	Category	2024		2025												2026			
					Q3	Q4	Q1			Q2			Q3			Q4						
					D	Jan	F	M	J	J	A	S	O	N	D	J	F	M				
Ten_02	Community Transport Buses	1	MF	Grant		G	Prepare				Open call	Award	*	Deliver								
Ten_06	Expanding housing work of Jaywick Healthy Homes Initiative	1	AV	Acquisition		G	Prepare			P	Negotiation	G	Purchase	*	Complete							
Ten_08	Jaywick and Clacton shopfront improvements	1	ET	Grant		G	Prepare				Open call	Award	*	Deliver								
Ten_10	Seafront arts/community micro venue	1	ET	Construction		1	once	2		P	P	G	*	3	4	4	5	5	5	5		
Ten_09	Jaywick Sands Public Open Space	2	AV	Construction		0	Brief	1	G	P	2	2	◇	P	*	3	4	4	5	5	5	
Ten_11	Repurposing Martello Tower E	2	AV	Construction		0	Brief	1		P	2	2	R	◇	P	*	3	4	5	5	5	
Ten_14	Cultural masterplanning	2	ET	Strategy		0	Brief	1	G	P	P	*	0	0	0	0	0	0				
Ten_04	Sunspot Centre solar panels	3	MF	Construction			Prep	G		P	P	*	4	5	5							
Ten_12	Active Wellbeing Centre Phase One	3	ET	Construction			Pre	P	1		2	3	3	P	P	P	4	4	5	5	5	5
Ten_13	[...] Town Centre Building	3	ET	Acquisition			Prepare		G	P	Negotiation			Purchase	*	Complete						
Ten_01	Bus infrastructure in Clacton and Jaywick	4	MF	Construction		G	Brief				Prepare		G	Purcha	Deliver							
Ten_03	Fitting out skills hub at Clacton Hub	4	MF	Purchase		G	Prepare															
Ten_05	Tudor Fields - Jaywick walking route	4	MF	Construction		G	1	1			2	2	2	3	3	3	3	4	4	4	4	G
Ten_07	Town Centre and Seafront Public Realm	4	MF	Construction		G	1	1			2	3	3	4	4	4	P	P	P	5	5	5
Ten_15	Urgent Treatment Centre and Primary Care Facility	4	MF	Construction		G	Prepare		*	5												

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CABINET

17 MARCH 2025

REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS

A.8 PETITION: “SAVE CITIZENS ADVICE TENDRING”

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To formally report the receipt of a petition submitted requesting the Council to continue to fund Citizens Advice Tendring and the Mental Health Hub and to invite Cabinet to determine its formal response to that petition, which will then be reported to Full Council at its meeting due to be held on 25 March 2025.

EXECUTIVE SUMMARY

A paper petition submitted by Danny Mayzes as lead petitioner, was received on Friday 21 February 2025. Following a partial check carried out by Officers in Electoral Services, the petition contains at least 514 names and addresses that are legible and those persons are included on the electoral register.

The text of the paper petition states:-

“We the undersigned petition Tendring District Council to continue to fund Citizens Advice Tendring and the Mental Health Hub to ensure this vital advice service can continue to support the residents, families and small businesses of the Tendring District. The core grants of £144,000 and £28,000 per annum should be reinstated for 2025/2026 and beyond. Citizens Advice is a national treasure and a staple of UK life, and we want this protected locally for the people of Tendring at all costs.

The Council has stated publicly that it would not be able to deliver the same level of advice for less cost, and that Council staff would not have the knowledge to deliver the advice required in-house. The Council praises Citizens Advice Tendring as value for money, and despite core funding not having increased in 10 years, the advice service by Citizens Advice Tendring is better than ever and must be retained.”

In addition, the Lead Petitioner, Danny Mayzes, submitted an E-Petition with the same text. That E-Petition was e-signed by 349 individuals who gave an address within the District.

This matter is an executive function (Partnerships Portfolio) and therefore the Cabinet is the appropriate body to consider this matter.

Section 2 of the Council’s adopted Scheme for Dealing with Petitions states, inter alia,:-

“(b) A valid petition containing 501, or more signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council to advise that the petition has been received. Once it has been investigated, a report

will be prepared and presented with the petition at the next meeting of the Council for consideration. If it relates to a matter that is an Executive function under the law the petition will also be presented to the first practicable meeting of the Cabinet and any views, comments or recommendations made by Cabinet will be incorporated into the aforementioned report to Council.”

Having discussed the petition it will be for Cabinet to decide what views, comments or recommendations it wishes to be incorporated into the report to Full Council. That report will be submitted to the meeting of the Full Council on 25 March 2025.

RECOMMENDATION(S)

That, having duly considered the Petition together with the information provided in this report, the Cabinet decides what views, comments or recommendations it wishes to be incorporated into the report to Full Council.

REASON(S) FOR THE RECOMMENDATION(S)

To comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There are several courses of action available to the Cabinet once the petition has been considered, including:

- *No action (with reasons as to why no action is proposed)*
- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or Cabinet or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*
- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future committee, Cabinet or Council meeting*

- *Calling for a referendum (if permitted under the legislation and subject to costs)*

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In respect of the Corporate Plan 2024/28 Priority Themes the Cabinet’s decision will contribute to:

- Financial Sustainability and Openness

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

LEGAL REQUIREMENTS (including legislation & constitutional powers)

External grant funding is an executive function that is delegated by the Leader of the Council to the Cabinet collectively and, individually, to the Partnerships Portfolio Holder in Schedule 3 of Part 3 of the Council’s Constitution. The overall function of the Council’s Executive is the discharge, in accordance with the Council’s policy framework all functions of the Council (including “local choice functions”) except those functions which cannot by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and other legislation, be the responsibility of the Executive.

The Council’s Monitoring Officer, having considered the contents of this report, has no other comments to make.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are no direct implications immediately resulting from consideration of this report. However, should Cabinet be minded to explore the possible sustained long-term funding of the Citizens Advice Tendring and the Mental Health Hub then various matters would need to be considered and decided upon such as the application of the Council’s adopted External Grants Policy and the allocation of a Budget.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council’s decision making:

- A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
- 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.*

As such, set out in this section the relevant facts for the proposal set out in this report.

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;	Not applicable in this instance but would need to be seriously considered if there was a desire by Cabinet to provide sustained long-term funding of CAT and the Mental Health Hub going forward.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Nothing in addition to those matters already set out in the report.
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.	Not applicable in this instance.

MILESTONES AND DELIVERY

Not Applicable in this instance.

ASSOCIATED RISKS AND MITIGATION

Not Applicable in this instance.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Council's adopted Scheme for Dealing with Petitions states, inter alia:-

- *Receipt of a petition will be formally acknowledged to the lead petitioner in writing or by email as appropriate, within five working days of its receipt.*
- *The appropriate Ward Member(s) will be informed of receipt of a petition and when and how the petition will be considered.*
- *When a petition is being considered by Cabinet or Council/Committee, the lead petitioner will be invited to address the Cabinet or Council/Committee, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner (or his or her representative) will have a time limit of three minutes for their speech and the petition will then be discussed by Councillors. A Ward Councillor can, at the request of the lead petitioner, present the petition to Cabinet or Council/Committee on behalf of the relevant petitioners.*
- *The lead petitioner will be informed, in writing, of the Cabinet or Council's decision and this information will also be published on the Council's website via the Minutes of the relevant meeting at which the petition was dealt with. If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and will also be given the opportunity to attend and address that meeting and if appropriate, answer any questions posed at the meeting.*

EQUALITIES

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, sexual orientation.

Not Applicable in this instance.

SOCIAL VALUE CONSIDERATIONS

There are no social value considerations relevant to this report having regard to the Public Services (Social Value) Act 2012.

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

There is no impact on the Council's aim for its activities to be carbon neutral by 2050 including the actions, policies and milestones in its Climate Change Action Plan.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

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

None

Health Inequalities

None

Area or Ward affected

All (potentially)

PART 3 – SUPPORTING INFORMATION

CORPORATE DIRECTOR (PLACE & ECONOMY)'S ASSESSMENT AND ADVICE

The petitioner highlights the importance of providing a vital advice service.

Cabinet decided on this matter on 31 January 2025 with the report of the Partnerships Portfolio Holder: Procurement of information and support service. The advice to Cabinet is drawn from that report, which sought approval from Cabinet to provide an information and advice service to local residents with revised requirements via an associated specification and procurement process, with the new arrangements commencing on 1 October 2025. [...] This approach ensures a joined-up approach across the various sectors within the area with the underlying aim of maximising the use of the Council's resources.

Citizens Advice Tendring have been made aware of the proposed approach set out above and they may consider submitting their own 'bid' for the work the Council is seeking to procure and respond to the outcome of that process.

In summary, Cabinet has approved the provision of an information and advice service to local residents, which it will procure via a modular approach to determine who is best placed to deliver the services required and provide best value for the taxpayer. There is a process in place to determine the best provider of advice services for residents. As such, Cabinet should enact the recommendations made in the January 2025 report.

In relation to the Mental Health Hub, the funding for the Mental Health Hub run by Citizen's Advice Tendring remains in the Council's budget and continues.

Partnerships Portfolio Holder's Comments and Recommendations:

"I believe passionately in the importance of advice and information to enable residents to make the best decisions and navigate the systems that provide financial and other support. That is why the Council extended the funding to Citizens Advice Tendring for six months to ensure there is no gap in provision and why we want to go through a process to test the best value provision of advice in the District.

Having considered the petition and reviewed the assessment and advice set out in this report, I believe the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet."

BACKGROUND

In accordance with the Petitions Scheme, Danny Mayzes has been invited to attend this meeting to address the Cabinet, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner (or his or her representative) will have a time limit of three minutes for their speech and the petition will then be discussed by Cabinet.

In addition, Mr. Mayzes will be invited to address full Council when this matter is reported to it at the full Council meeting to be held on 25 March 2025.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Cabinet, at its meeting held on 31 January 2025 (Minute 118 refers), considered a report of the Partnerships Portfolio Holder in relation to the procurement of an information and advice service that:-

- (1) sought approval from Cabinet to provide an information and advice service to local residents with revised requirements via an associated specification and procurement process, with the new arrangements commencing on 1 October 2025.
- (2) sought approval from the Cabinet for the allocation of **£0.072m** to Citizen's Advice Tendring to continue to contribute to the existing information and advice guidance service through direct funding for the interim period up to 30 September 2025 in accordance with a subsidy scheme.

At that meeting Cabinet had resolved:-

“RESOLVED that Cabinet –

- a) *approves the provision of an information and advice service to local residents;*
- b) *agrees to the procurement of such services for a contract period of three years commencing 1 October 2025, and agrees to a modular procurement approach to determine what a provider could offer for various levels of potential funding e.g. £50,000, £100,000, or £150,000 per year;*
- c) *authorises the Portfolio Holder for Partnerships, in consultation with the Deputy Chief Executive, to approve the specification for the provision of an information and advice service based on the broad principles set out within the report of the Partnerships Portfolio Holder (A.5);*
- d) *approves for an interim period of six months from 1 April 2025, the continuation of the existing agreement with CAT at a cost of £0.072m, supported by the existing budget for information and advice services to local residents;*
- e) *in respect of the contribution of £0.072m to CAT, agrees to extend the current Addressing Health Inequality – Advice, Support and Mental Health Support Subsidy Scheme for 2025/26;*
- f) *authorises the Deputy Chief Executive, in consultation with the Portfolio Holder for Partnerships and the Monitoring Officer, to finalise the administrative requirements for the production of the Subsidy Scheme in accordance with the Subsidy Control Act 2023 and Statutory Guidance and to publish it on the Government website prior to any awards; and*
- g) *agrees to extend the current Service Level Agreement with Citizens Advice Tending (CAT) from 1st April 2025 until 30th September 2025 on the terms and conditions as set out in the updated agreement shown in Appendix B to the report (A.5).”*

The report of the Partnerships Portfolio Holder (A.5) that was considered by Cabinet at its meeting held on 31 January 2025 is attached as an Appendix to this report for Members’ information.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Paper Petition and E-Petition submitted by Danny Mayzes (as the Lead Petitioner) on 21 February 2025

Published Minutes of the meeting of the Cabinet held on 31 January 2025

APPENDICES

Report of the Partnerships Portfolio Holder (A.5) entitled “Procurement of Information and Advice Service” that was submitted to the formal meeting of the Cabinet held on 31 January 2025.

REPORT CONTACT OFFICER(S)	
Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	iford@tendringdc.gov.uk (01255) 686584