
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 26TH JULY, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

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

Group Leaders Present by Standing Invitation: Councillors J B Chapman BEM (Leader of the Independent Group) and P B Honeywood (Leader of the Conservative Group)

Also Present: Councillor N W Turner

In Attendance: Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), John Higgins (Head of IT and Corporate Resilience), Katie Wilkins (Head of People), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)

Also in Attendance: Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Jennie Wilkinson (Property and Projects Manager)(items 22 – 31 only), William Lodge (Communications Manager), Clare Lewis (Careline and Community Manager), Eleanor Storey (Planning Policy Officer)(items 36 – 39 only) and James Dwan (Communications Officer)

22. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor A P H Baker (Portfolio Holder for Housing & Planning) and Councillor J D Bray (Leader of the Reform UK Group).

23. 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 24 May 2024, be approved as a correct record and be signed by the Chairman.

24. DECLARATIONS OF INTEREST

Councillor Barry declared an interest in agenda items 15 (report A.7) and 17 (report A.9) insofar as both reports mentioned the Brightlingsea Lido of which he was a Trustee.

Councillor Chapman BEM declared an interest in agenda item 9 (report A.1) insofar as it referred to plots of land in Brightlingsea and she was a Ward Member for Brightlingsea.

Councillors Chapman BEM and P B Honeywood both declared an interest in agenda item 16 (report A.8) insofar as they both had relatives who were users of the Careline service.

25. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council recorded his congratulations to Nigel Farage MP and Sir Bernard Jenkin MP on their election to the House of Commons in the Parliamentary General Election held on 4 July 2024.

The Leader of the Council also congratulated the Council's IT Services team who had, during the recent 'Crowdstrike' issue experienced by a large number of organisations globally and which had disrupted access to computers and communications, ensured that almost all Council services had continued unaffected.. The only Crowdstrike TDC service issue had been that the third-party hosted/ managed leisure management system had been unable to process electronic payments during Friday 19th July 2024.

In addition, the Leader of the Council informed the meeting that agenda item 12 (report A.4) had been withdrawn. This was due to the fact that an Official from the MHCLG had written to the Chief Executive on Friday 19 July at 5.00 p.m. to notify this Council of the decision by Alex Norris MP, Minister for Local Growth, to suspend the 1 August 2024 deadline for the submission of local authorities' individual Long Terms Plan for Towns. That notification also stated that further details on next steps and timelines would be shared in due course.

The Leader of the Council had agreed that, with the deadline to submit the plan suspended, which had determined the report coming to Cabinet today, it was considered to be in the Council's and Clacton residents' best interests that the item be withdrawn from this Cabinet and brought back when the Government had clearly indicated the timetable and plan format moving forward.

26. ANNOUNCEMENTS BY CABINET MEMBERS

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

27. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

28. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

29. LEADER OF THE COUNCIL'S' ITEMS

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

30. **CABINET MEMBERS' ITEMS - REPORT OF THE ASSETS PORTFOLIO HOLDER - A.1 - REMOVAL OF 25 AREAS OF LAND FROM THE PROPERTY DEALING PROCEDURE FOLLOWING AN INITIAL REVIEW OF 69 AREAS OF LAND UNDER THE PROCEDURE**

Earlier on in the meeting as detailed under Minute 24 above, Councillor Chapman BEM had declared an interest in agenda item 9 (report A.1) insofar as it referred to plots of land in Brightlingsea and that she was a Ward Member for Brightlingsea.

Cabinet considered a detailed report of the Assets Portfolio Holder (A.1), to decide whether to remove 25 areas of land from the Property Dealing Procedure in accordance with the list attached at Appendix A to the Portfolio Holder's report and to further consider the remaining 44 listed at Appendix B to that report, following an initial review of the previous 69 areas of land over which the Property Dealing Procedure had been initiated in July 2022.

Cabinet was reminded that, as part of the rationalisation of the Council's assets and in order to help address both the housing need in Tendring, as well as supporting the Council's financial position, 69 separate areas had been identified and the Property Dealing Procedure initiated over them by Cabinet in July 2022 in order for them to be considered further.

The Portfolio Holder for Assets had reviewed each of the pieces of land previously identified and certain areas had now been put forward to be removed from the Property Dealing Procedure. Whilst the decision both to initiate the Property Dealing Procedure and to end that procedure would usually be a Portfolio Holder decision, due to the large number of areas identified and their potential scale and impact, the previous decision in July 2022 had been referred to Cabinet. It was only right therefore that this decision to remove land from under the Property Dealing Procedure was also put before Cabinet.

Members were aware that the Council's current Corporate Plan recognised the Cabinet's priority to champion the local environment both creating and maintaining good quality and useable space for communities. With this in mind, the initial evaluation of the 69 areas had looked at which ones were designated as safeguarded open space in the current Local Plan and the Portfolio Holder's recommendation was to remove these 25 from the Property Dealing Procedure and retain them as green space for the present time.

Cabinet was informed that this would leave 44 areas of land that were still subject to the Property Dealing Procedure to be evaluated. Cabinet's priorities for this assessment were necessary to determine specifically the desired outcome. The three main options were:-

1. *Capital receipt – identify the ones that could be sold with outline planning permission for development and bring one off funding into the Council to support other priorities;*
2. *Council houses – identify the ones that could be developed or retained for potential development in the future;*
3. *Do nothing – place resources into other projects and areas and also remove these 44 sites from the Property Dealing Procedure. This wouldn't negate the previous work carried out and the Property Dealing Procedure could be initiated over individual sites in the future.*

In order to:-

- (i) reduce the number of sites currently the subject of the Property Dealing Procedure in order to focus resource on evaluating those that remain; and
- (ii) set the Cabinet's priorities for further assessment in order to efficiently reduce capacity required within limited resources;

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

RESOLVED that Cabinet –

- (a) approves the list of 25 sites put forward at Appendix A to the Portfolio Holder's report (A.1) and hereby removes them from the Property Dealing Procedure based on their current status as safeguarded open space in the Local Plan;
- (b) in respect of the remaining 44 sites, as set out in Appendix B to that report, agrees to also remove them from the Property Dealing Procedure to enable resources to be allocated to other corporate projects requiring asset support; and
- (c) requests over time, when resources are available, that an assessment of the sites in Appendix B be undertaken by Officers with the Portfolio Holder for Assets to determine which ones, on a case by case basis, should be proposed for disposal to obtain a capital receipt or retained for council housing, with individual decisions.

31. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - TREASURY MANAGEMENT PERFORMANCE 2023/24

Cabinet considered a detailed report of the Corporate Finance & Governance Portfolio Holder (A.2), which reported on the Council's treasury management activities and Prudential Indicators for 2023/24.

It was confirmed that borrowing and investments had been undertaken in accordance with the 2023/24 Annual Capital and Treasury Strategy that had been approved by full Council on 2nd March 2023.

Summary of the Council's Borrowing Position:

Amount Outstanding at the end of March 2024	Average Interest Rate Paid in 2023/24	Total Interest paid in 2023/24
£0.128m (General Fund)	7.033%	£0.09m
£33.149m (HRA)	3.577%	£1.208m

No external borrowing had been undertaken in 2023/24 for either the General Fund (GF) or Housing Revenue Account (HRA).

Summary of the Council's Investment Position:

Value of Investments held at the end of March 2024	Average Interest rate on Investments 2023/24	Interest Earned on Investments 2023/24
£72.509m	4.810%	£4.220m

It was reported that the amount of interest earned from investments increased greatly during the year due to the continuation of decisions by the Bank of England Monetary Policy Committee (MPC) to increase rates from 4.25% at the beginning of 2023/24 to 5.25% at the end of it. As most investments were fixed for 6 months at a time, the increases did not feed immediately through to the investments held but did allow for a 'laddering' of deposits to lock in the increase. Estimated income was increased through the quarterly financial performance and budget reports during the year - from £0.824 million at the start of the year to £3.818 million at the end of the year, with the outturn figure being £4.220 million as set out in the table above.

Members were reminded that the Council continued to hold one property within its Commercial Investment Portfolio, which had a balance sheet value at 1 April 2023 of £0.224 million. This 'book value' had been increased by the Council's appointed valuers to £2.284 million at the end of 2023/24. However, this was an 'accounting' valuation and not a direct value that would be achieved on the market if it was sold. In-line with the budget, rental income of £0.228 million had been earned on the property in 2023/24, in line with estimates.

Treasury performance figures for the year were set out in Appendix A to the Portfolio Holder's report with Prudential Indicators attached as Appendix B to that report.

Cabinet was made aware that Inflation had met the MPC's target of 2% in early 2024/25, but that underlying inflationary pressures remained, which meant that interest rate reductions were likely to be gradual in nature. The forecast from this Council's treasury advisors was for interest rates to decline from the current peak of 5.25% to 4.00% in March 2025. As the impact of interest earned from previous higher rates would continue to filter into budgets for the first half of the year, with any reductions being reflected in the latter half, investment income budgets would continue to be reviewed as part of quarterly monitoring reports and as part of medium to long term financial planning.

Members were advised that during the year and subsequent to Birmingham City Council issuing a Section 114 notice, information had been set out in various reports that highlighted the money that had been lent to them as part of this Council's day to day treasury activities. Of the total amount of £6.000m lent to them, £2.000m had been repaid in February 2024 with the remaining £4.000m repaid in June 2024 in-line with the original terms of the deal. Therefore, no repayments from Birmingham City Council remained outstanding with all sums due now received by this Council.

In order to provide timely / key financial information to Members and to demonstrate compliance with the Treasury Management and Prudential Codes:-

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

RESOLVED that Cabinet -

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- a) notes the Treasury Management performance position for 2023/24; and
 - b) approves the Prudential and Treasury Indicators for 2023/24.

32. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION AND TOURISM PORTFOLIO HOLDER - A.3 - RESOURCES TO INCREASE PROJECT DELIVERY AND PROGRESS LEVELLING UP PARTNERSHIP

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.3), which:-

- (a) recommended that Cabinet set aside £1m to pay for a Project Delivery Unit for two years to increase the capacity of the Council to progress the significant number of project work-streams it had underway; and
- (b) updated Cabinet on progress with one of the Council's most significant new work-streams, the Levelling Up Partnership, and recommended that Cabinet approved the principle of the Council entering into the Partnership with Government. The current partnership approach was to deliver projects through the Council being the Accountable Body, working with partners to achieve place-based regeneration in Clacton and Jaywick.

Cabinet was aware that the Council was responsible for the delivery of tens of millions of pounds of capital projects funded by Government, partner and its own resources. Projects included:

- £30.743M Levelling Up Fund: The Clacton Hub, Dovercourt Library and the Kingsway Improvements.
- £9.036M Capital Regeneration Projects. The Council was the Accountable Body for three projects delivered by Essex County Council: In addition, the Council was directly delivering Carnarvon Terrace in Clacton and Milton Road and Victoria Street in Dovercourt.

This was in addition to two major Housing Revenue Account Schemes:

- £2.40m Spendells House redevelopment. A former sheltered housing scheme being brought back into use as temporary accommodation.
- £3.250m Honeycroft scheme. Redeveloping the site of a former sheltered housing scheme with 13 one and two-bedroom bungalows to provide accommodation for those in the area seeking to downsize from a larger property.

And there were further projects in the pipeline:

- £20M Long Term Plan for Towns, with £5m to be delivered by March 2027.
- £20M Levelling Up Partnership.
- £500,000 Green Spaces fund for High Street Accelerator.

Members were also aware that the Council was committed to identifying £3m of on-going revenue savings, which would also require additional invest-to-save projects to be brought forward, like the installation of pool covers recently completed within the leisure centres. The level of resources required to not only develop the long term forecast but to deliver the required savings, was not to be underestimated, especially when set against

other existing commitments such as those mentioned above and the Freeport East project. There therefore needed to be a clear focus on the timely development of associated plans whilst managing competing resources over the coming months.

In addition to the above, the Council currently delivered projects including major capital schemes within Services, which were primarily responsible for day-to-day service delivery. The Council recognised that increasing project management capacity would enable it to deliver projects more effectively, and as a result, had the potential to reduce overspends and bring major capital schemes in on budget and on time.

In order to increase its project delivery capacity, the Council proposed to set aside £1 million to support a new Project Delivery Unit for two years. The proposed team, subject to approval of the funding and restructures being undertaken, would sit within the Economic Growth, Sport and Culture Directorate with expertise including:

- project management;
- capital delivery;
- programme governance;
- procurement;
- finance; and
- contract and property law.

Cabinet was informed that the team would be managed by a Head of Unit who would bring project management expertise to the team and the Council. The team would include corporate capabilities that enabled project delivery, including procurement, finance and legal expertise, and would work closely with those existing specialisms in the Council, and operate within the Council's governance framework.

The proposed staffing structure would be agreed by the Head of Paid Service. With the fixed-term nature of the posts, it was noted that recruitment might require secondments, fixed term recruitment, and interim appointments, depending on the market for specific skills. Essex County Council had agreed to support the recruitment process to give a wider candidate search, which was underway.

It was reported that the new team would support projects to come in on time and budget and protect continued successful implementation of business as usual. The team would also bring in project management expertise that would support the wider Council with systems and approaches in this vital area. The Council would determine the projects to be delivered by the Unit and those on which it would provide advice to others to deliver. This decision would be taken in the context of the Executive's agreed priorities.

Where funding from Government could be used to back fill or augment this budget the Council would seek to allocate it accordingly, for example capacity funding associated with the Levelling Up Fund.

Members were made aware that the Project Delivery Unit was also expected to include some existing posts, for example the previously agreed consultant role that oversaw the Levelling Up Fund and Capital Regeneration Projects, and a permanent Project Manager position on the establishment.

It was also important to highlight that the Project Delivery unit would be scalable based on the demands on the Council that would undoubtedly change over the coming months

in reaction to the scale and speed of the development of projects. It was also worth highlighting that some costs of the Unit would likely be 'chargeable' to capital projects such as the LUF and CRP schemes and therefore the Council would need to be alert and flexible to maximise value for money from the proposed £1m pound investment in capacity building. This issue would be a key reporting element within future reports to ensure a timely and up to date position could be considered as necessary.

Levelling Up Partnership

Cabinet was informed that the Levelling Up Partnership was expected to be one of the additional work streams delivered by the new additional capacity.

Cabinet recalled that, at the Budget Speech on 15 March 2023, Government had announced the District of Tendring as one of 20 places that would be selected to form Levelling Up Partnerships (LUP) with the then Department of Levelling Up, Housing and Communities (DLUHC), which the Leader of the Council orally reported to Cabinet on 17 March 2023. Partnerships could be allocated up to a maximum of £20m capital funding (CDEL) and up to £250k revenue (RDEL) dependant on projects decided by (now) MHCLG ministers and subject to business case approvals by HM Treasury.

Cabinet had been informed in December 2023 of progress with the Levelling Up Partnership. As forecast in that report, Government officials had visited the District of 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, had shared strategic documents and a pipeline of projects that could benefit from funding within 12 months of March 2024.

Government had requested that funding was targeted at projects in the largest conurbation within the District, i.e. Clacton-on-Sea. Government was content that this could include Jaywick Sands, given its proximity to Clacton, the need for regeneration in the area, and the recently completed Place Plan, which included costs projects for delivery.

Following the Deep Dive, Government ministers in DLUHC (now MHCLG) had chosen projects that they wanted local partners to deliver to a total value of £19.79M and had requested additional detail on those in order to enable civil servants to complete business cases, including assessing value for money, in support of Treasury approval for the projects.

The draft terms and conditions shared by the then DLUHC on 17 May 2024 stated that projects should complete in the two years, 2024/5 and 2025/6. It also stated that "Any unspent funding in a financial year must be returned to DLUHC". This timeline was extremely tight for capital project delivery.

At the time of calling the Parliamentary General Election on 22 May 2024, the Treasury had not approved individual business cases. On 24 May 2024 the Government had made the following announcement:

"Five areas in England and Scotland have agreed with the UK Government the details of their Levelling Up Partnership funding. [...] Subject to local Cabinet approval, Tendring's Levelling Up Partnership will likely include measures such as £3m to

redevelop Clacton Leisure Centre to provide sports facilities and integrated health and wellbeing services, £2m to unlock the delivery of an urgent treatment centre and primary care facility at Clacton Hospital, and £2.5m to provide a new walking route across Tudor Fields, alongside other interventions to support regeneration. All the Levelling Up Partnerships will be subject to business case.”

Members were advised that since the Parliamentary General Election, the Council had been in correspondence with civil servants and at the date of writing, the new Government Ministers had not decided on the future of Levelling Up Partnership funding. So Cabinet was asked to take a view on the principle of the Council delivering regeneration projects through a Partnership with Government as the Accountable Body for funding to achieve place-based regeneration in Clacton and Jaywick. The detail of particular projects would follow should a decision be taken by Government to fund, and would be reported to a subsequent Cabinet meeting.

Given the scale of this additional funding this Partnership sat outside the existing Budget and Policy framework of the Council.

In the light of the fact that:-

- (1) the Council wished to strengthen and deepen its project management capacity. Creating a team of additional officers would enable the Council to progress its agreed major capital delivery schemes, provide advice and systems for project managers across the organisation, and protect existing business-as-usual operations from the impact of major new projects taken on by the authority. In short, without this additional capacity the Council would not be able to deliver the projects under the Long Term Plan for Towns and Levelling Up Partnership and the opportunity to invest tens of millions of pounds in the District would be lost.
- (2) the recommendations were made to capitalise on the Government's funding opportunity to address key socio-economic challenges in Clacton and Jaywick, improve local infrastructure, enhance community services, and ultimately contribute to the long-term regeneration of the area. This was a once in a decade opportunity for Tendring to deploy investment on this scale, in addition to other levelling up funding, to be benefit of Clacton and Jaywick.
- (3) the recommendations were framed to meet the current situation, namely that the Government had announced support for the Levelling Up Partnership in May 2024, but business cases were yet to be approved by HM Treasury, and new Ministers had not yet decided on continuing with the Levelling Up Partnership policy and fund since the Parliamentary General Election on 4 July 2024.

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

RESOLVED that Cabinet –

- (a) notes the increased capacity requirements on the Council's resources to deliver a number of projects and schemes highlighted in the report, in addition to responding to the Council's existing functions and responsibilities.

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- (b) subject to (a) above, and the allocation of £1.000m of funding set out within item A.9 elsewhere on the agenda, a Project Delivery Unit is agreed to be established for an initial period of 24 months from the date of the first officer starting in role;
 - (c) accepts:
 - (i) £90,000, made available by the Government as capacity funding to support the Levelling Up Partnership Project
 - (ii) a sum of £86,000 made available by the Government as capacity funding to support the Levelling Up Capital Project in Clacton;
 - (d) subject to (a) to (c) above, transfers both the £90,000 and £86,000 above to the funding of the Project Delivery Unit, bringing the total initial funding to £1.176m;
 - (e) notes the Chief Executive will undertake the activities required to recruit the necessary capacity within the Project Delivery Unit, as Head of Paid Service (being non-executive functions);
 - (f) recognising the impact on the Council, supports the Council acting as the Accountable Body for the Partnership to the benefit of Clacton and Jaywick, delegates entering into any agreements with Partners to the Corporate Director (Place and Economy), in consultation with the Section 151 Officer, and where necessary by entering into funding agreements with partners to do so;
 - (g) recommends to Full Council to approve that Tendring District Council act as the Accountable Body for the Partnership (or alternative relationship determined by Government in revised policy), which forms part of the Council's Corporate Plan 24-28, 'Our Vision' and therefore, within the Policy Framework;
 - (h) subject to (g) being approved by Full Council, the delegation by Cabinet in December 2023, can be exercised by the Corporate Director (Place and Economy) in consultation with the Section 151 Officer and the Monitoring Officer to enter into any agreements with MHCLG for this Partnership;
 - (i) subject to (g) being approved by Full Council and Cabinet, and Government approving business cases for funding, the Portfolio Holder for Economic Growth, Regeneration and Tourism be required to report to Cabinet the scope and details of the individual Partnership Projects together with the relevant Portfolio Holders taking the lead on delivery prior to implementation;
 - (j) notes that the Chief Executive has nominated the Corporate Director (Place and Economy) as the lead officer for the Partnership; and
 - (k) notes the Levelling Fund and Capital Regeneration Projects Portfolio Working Party terms of reference will be extended to include this Partnership and Town Board matters.

33. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.4 - INVESTMENT PLAN FOR THE CLACTON LONG TERM PLAN FOR TOWNS

This item had been withdrawn by the Leader of the Council for the reasons identified in Minute 25 above.

34. **CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.5 - UPDATE ON OFFICER INVESTIGATIONS OF MILTON ROAD AND VICTORIA STREET, DOVERCOURT SITES**

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.5), which noted the progress of the Officer investigations into the opportunity to bring forward the Milton Road element of the Dovercourt scheme from the Capital Regeneration Project funding, and which sought Cabinet's agreement to the demolition of Milton Road car park and 20 Victoria Street, Dovercourt and also its agreement to the drawdown of Capital Regeneration grant funding complemented by £250,000 to progress this work.

Capital Regeneration Project Funding

It was reported that, on 23 June 2023, Cabinet had considered a report titled 'Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid'. This report had recommended approval of the Heads of Terms for two funding agreements to be developed between Tendring District Council (TDC) and Essex County Council (ECC).

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

It was also reported that, on 19 April 2024, Cabinet had considered a report titled 'Financial Performance Report 2023/24 - General Update at the end of December 2023' and had agreed to determine the mix of funding from the Council's own approved contribution and the money made available by the Government to support both the LUF Scheme in Clacton and the CRP Scheme in Dovercourt, within financial parameters previously agreed and until the next significant project milestones were reported to Cabinet.

Dovercourt Town Centre Improvement Corridor Change Request and Homes in Dovercourt scheme

Cabinet recalled that, on 7 February 2024, the Council had submitted a change request to Government in relation to the delivery of the Dovercourt Town Centre Improvement Corridor CRP scheme. This change request sought to allow the Council to relocate the housing element of the scheme. At time of the bid submission, the housing element had been planned to be sited at the location of Milton Road car park, however the change request had suggested the relocation of the housing element to the two derelict sites at Victoria Street, Dovercourt, and the demolition of the existing structure at Milton Road car park, with the subsequent reinstatement of ground level car parking. Cabinet had agreed the acquisition of those sites on 17 June 2022, and the Council had completed the acquisition on 8 February 2024. On 7 May 2024, Government had advised the Council that the change request had been approved.

Following the approval of the change request, on 24 May 2024, Cabinet had requested that Officers investigated the opportunity to bring forward the Milton Road element of the Dovercourt scheme.

Cabinet was made aware that the change request brought with it additional pressure on the project budget as the scheme now included the regeneration / development of two sites rather than one under the original proposals. It was also worth highlighting that there was likely to be additional financial pressure due to the two brown field sites at Victoria Street including the former site of the Victoria Hotel, whose ground condition had not yet been assessed. Experience of the Orwell Place carpark development was that there was the potential for extensive ground contamination in Dovercourt. Furthermore it required works to take place on three sites rather than one, with works still required to replace the two-level Milton Road carpark with a flat carpark.

As a result the Portfolio Holder had considered it was prudent to assign additional funding to the project to bolster the contingency and create a 'risk pot' that could be drawn down, if required, to tackle unforeseen issues with the development, including but not limited to, ground conditions and cost inflation.

With the above in mind, as set out within report item A.9 elsewhere on the agenda, it was proposed to set aside £0.250m to complement the existing CRP funding and support the emerging changes to the project.

Members were informed that on 7 June 2024 an Officer Decision had been made to progress operational issues relating to the clearance of the sites at Milton Road and Victoria Street, including site clearance of rubbish and overgrowth, making safe the sites for access, carrying out initial surveys (topographic and utilities) at the Victoria Street sites, and party wall matters.

Cabinet was advised that this Portfolio Holder report set out the benefits to bringing forward the Milton Road and 20 Victoria Street demolitions, along with the anticipated costings, and requested a drawdown of the awarded Ministry of Housing, Communities and Local Government (MHCLG, formerly DLUHC) grant funding, to progress the demolition by an external contractor procured following a procurement exercise conducted under the Council's procurement procedure rules, which would be complemented by the creation of the proposed 'risk pot' mentioned above.

Members were reminded that the Milton Road Carpark, which comprised 35 spaces on a ground and upper floor, was beyond its useful life and had been closed since the opening of the Orwell Road Carpark and events space opposite in September 2023.

However, demand remained for additional parking in Dovercourt, in particular on market days (Friday), and when Orwell Place was used as an events space, which was up to 14 times a year. The design of the future carpark at Milton Road was currently underway, with consultation taking place in July and August 2024 on potential designs.

Cabinet further recalled that the building at 20 Victoria Street was derelict, fire damaged, and beyond repair and so for the project to progress with the development of new properties, it was required to be demolished.

It was noted that the proposed demolition of the existing structures could be completed without planning permission, and which could therefore be undertaken ahead of the rest

of the project that was in the design stage. Following the determination of planning permission for the full project in early 2025, the tender for the main construction works would be let, followed by award and then construction.

The Portfolio Holder believed that bringing forward the demolition to Summer / Autumn 2024 had the following potential benefits:-

- cost certainty now rather than potential inflationary pressures later;
- the release of any unused risk allowance to be included in the overall development budget;
- the reputational advantage of undertaking works committed which would increase site safety and security for the public and neighbours;
- a better informed subsequent design, as any unknown risks via demolition would have been resolved prior to the start of the main works and so it would de-risk the project's delivery

Cabinet was cognisant however, as with all construction projects that there were risks, most notably that the tender price came in ahead of cost estimations, which could require a review of the overall project, leading to a potential requirement for redesign or value engineering, and so an impact on the overall project timeline.

Cabinet, being of the opinion, that:-

- (1) carrying out the demolition of the existing car park on the Milton Road site, as well as removing the fire damaged structure at 20 Victoria Street, would ensure the sites were ready for development in time for commencement of the main works, and allow the sites to be made safe. Demolition would also allow the lower level of Milton Road car park to be brought back into use while detailed design and planning submissions were developed;
- (2) those enabling works would also de-risk the site in terms of safety for the public, as well as financially for the programme, since the cost inflation risk would be reduced by delivering this aspect of the works early;
- (3) the proposals would also allow the lower level of Milton Road car park to be brought back into use sooner, which would provide additional parking for Dovercourt Town Centre, and support for events at Orwell Place; and
- (4) the proposed allocation of the additional £250,000 from Council funds as proposed within report item A.9 elsewhere on the agenda, would enable the creation of a budget / risk pot, given the additional uncertainties associated with the Victoria Road sites and the re-provision of parking spaces at Milton Road;

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

RESOLVED that Cabinet –

- a) agrees, subject to the full level of required funding being allocated, to the demolition of the Milton Road, Dovercourt car park;
- b) agrees, subject to the full level of required funding being allocated, to the demolition of the dangerous structure at 20 Victoria Street, Dovercourt;

- c) although subject to the decision set out within report item A.9 elsewhere on the agenda, agrees to allocate the additional identified sum of £250,000 to increase the overall budget to £3,798,751;
- d) subject to a) to c) above, agrees to draw down a budget of £0.450m from within the overall sum of £3,798,751 to progress demolition and associated works; and
- e) subject to (a) to (d) above, agrees that an external contractor will be commissioned to undertake the demolition works in accordance with the Council's Procurement Procedure Rules.

35. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.6 - WASTE MANAGEMENT, RECYCLING & STREET CLEANSING OPTIONS APPRAISAL

Cabinet considered a report of the Environment Portfolio Holder (A.6), which:-

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

Cabinet was aware that this Council's contracts with Veolia Environmental Services for household waste and recycling collection, and street sweeping would both expire early in 2026 and that therefore a Waste Contract Project Board had been set up to provide governance and oversight to the process of determining how those services would be provided in future.

In addition, Member Working Group had been set up, led by the Portfolio Holder for Environment and with representation from the majority of political groups on the Council. This group had now met on three occasions and it was supportive of the proposals.

It was reported that, following approval by the Waste Contract Project Board, the East of England Local Government Association (EELGA) had been commissioned to provide support to the Council and EELGA had produced an Options Appraisal and an Outline Business Case, assessing five potential delivery models. The highest scoring and therefore recommended option was to re-tender both the waste and recycling collection and the street sweeping services, as a single contract. This was the most advantageous option for the Council.

In addition, the Waste Contract Board had agreed a set of Contract Principles upon which the future service specification would be based. A market engagement exercise had been undertaken via the issue of a Prior Information Notice (PIN). Six responses to the PIN had been received and four of the contractors had taken up the option of a one to one meeting with Officers.

It was felt that the market engagement exercise had provided a clear steer on a number of key areas including where a decision was required before a tender exercise

commenced. All of the work undertaken so far had led to the development of a set of Core Specification Principles that Cabinet were asked to adopt.

Cabinet, having taken into account the fact that:-

- (1) the Council's contracts with Veolia Environmental Services for household waste and recycling collection and street sweeping would both expire in 2026 and that, as such, a contractor needed to be found to deliver those services upon expiry of the current arrangements;
- (2) the Portfolio Holder's recommendations would ensure that the Council continued to progress the future of this important statutory service and would also ensure value for money, whilst complying with the Environment Act 2021 requirements due to be introduced during 2026; and
- (3) under the Environmental Protection Act 1990 the Council was designated as a Waste Collection Authority (WCA) and as such had a statutory duty to collect household waste and recycling from homes in the District. From 2026, the Council would be required under provisions in the Environment Act 2021 to collect a wider range of recyclable material and as such any new service commencing in 2026 must be compliant with this requirement;

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

RESOLVED that Cabinet –

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

8. agrees a delegation to the Portfolio Holder for Assets to determine the Social Value Themes, Outcomes and Measures (TOMs) against which the social value aspects of the tender submissions will be considered;
9. agrees a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets to approve:-
 - a. the high level service specification provided that they consult with the Waste Contract Project Board and the Member Working Group beforehand;
 - b. the aspects of the tender about which there will be dialogue held with bidders; and
 - c. the tender evaluation criteria to be used;
10. agrees a delegation to the Corporate Director (Operations & Delivery) to approve:
 - a. the detail of the service specification providing that they have consulted with the Portfolio Holder for the Environment; and also
 - b. the membership of the tender evaluation panel; and
11. authorises a joint delegation to the Leader of the Council, the Portfolio Holder for Environment and the Portfolio Holder for Assets, in consultation with the Corporate Director (Operations & Delivery), the Section 151 Officer and the Monitoring Officer to agree any short term extension to the current contractual arrangements, where permissible to do so and solely for the purpose of assisting with the mobilisation of the new contracts.

36. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.7 - ADOPTION OF FIRST SEVEN CONSERVATION AREA APPRAISALS AND MANAGEMENT PLANS AND START OF THE LOCAL LIST PROJECT

Earlier on in the meeting as detailed under Minute 24 above, Councillor Barry had declared an interest in agenda item 15 (report A.7) insofar as the report mentioned the Brightlingsea Lido of which he was a Trustee.

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.7), which:-

- update it on the progress of updating the District's Conservation Area Appraisal and Management Plans and preparing a Local List of non-designated heritage assets;
- sought agreement from Cabinet that the final versions of seven Conservation Area Appraisals and Management Plans be adopted by the Council; and
- sought agreement from the Cabinet that the final version of the Local List Criteria also be adopted by the Council.

Cabinet recalled that one of the aims of the Council's adopted Heritage Strategy was for the Council to reassess each of the District's twenty Conservation Area Appraisals (CAPs). Fifteen of those CAPs had now been the subject of public consultations. Seven of those Appraisals had now been amended after comments were received, and were now ready for adoption by the Council, which would enable them to be referred to as a material consideration in planning matters.

Members were reminded that a further aim of the Heritage Strategy was for the Council to prepare a list of non-designated heritage assets (also called a 'Local List').

Therefore, the criteria against which buildings and structures would be assessed for inclusion on the Local List had also the subject of a public consultation. The Local List criteria had been amended following consultation responses and it was now ready to be adopted by the Council. It could then be used for of a six month 'Call for Heritage Sites' consultation later in the year, during which time, the public would be invited to make suggestions for what should be included on the Local List.

In order to progress projects specifically identified in the Council's Heritage Strategy:-

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

RESOLVED that Cabinet –

- (a) agrees to the formal adoption, by the Council, of the final Conservation Area Character Appraisal and Management Plan for the following areas (found at Appendices A to G):
 - Brightlingsea,
 - Lower Dovercourt,
 - Frinton and Walton,
 - Great Bentley,
 - Harwich,
 - Thorpe-Le-Soken, and
 - Thorpe-Le-Soken Station and Maltings.
- (b) agrees to the formal adoption, by the Council, of the Local List Criteria (found at Appendix H to the Portfolio Holder's report (A.7); and
- (c) authorises the Director (Planning), in consultation with the Portfolio Holder for Housing and Planning, to commence public consultation for the 'Call for Heritage Sites' for a period of no less than six months.

37. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.8 - TENDRING'S CARELINE SERVICE REVIEW

Earlier on in the meeting as detailed under Minute 24 above, Councillors Chapman BEM and P B Honeywood had both declared an interest in agenda item 16 (report A.8) insofar as they both had relatives who were users of the Careline service.

Cabinet considered a report of the Partnerships Portfolio Holder (A.8), which set out the outcome of a review of the Tendring's Careline Service in the context of the change in the market landscape, a number of on-going challenges, including its future financial sustainability, and to present a preferred option for the future provision for public consultation.

Cabinet was informed that Tendring's Careline Service (*Careline*) had been operational since 1987. When it was established, it had provided a unique service to Tendring residents, allowing service users to maintain independent living through 24/7 monitoring and response. The service had been highly regarded by both customers and their family

members. However, the telecare landscape had since changed, with several alternative providers now in the market offering similar services (*including telecare and lifting/response*) at comparable fees.

Careline was an in-house service (*not a state entity, or Local Delivery Vehicle*) which allowed service users to remain living independently in their homes. An additional lifting service had been established in 2016, which allowed responders to lift service users, if appropriate, thereby providing complementary support to Emergency Services.

In addition to its regular operations (*as outlined above*), the Careline team supported the Authority's Out-of-Hours service. This service provided a Council response to resident queries including Housing, Environmental Health, Emergency Planning, and CCTV during evenings, weekends, and bank holidays. It was noted that the Out-of-Hours service was a completely separate working function to the Careline service. Outside of Out-of-Hours arrangements, CCTV was currently monitored by the Careline team and footage was downloaded as requested by Essex Police.

Cabinet was informed that the last review of the service had been reported to Cabinet in June 2022, where the future sustainability of the service had been considered. Cabinet was informed at that time, the preferred course of action would be Option 4: an orderly and sustainable growth of the number of service users to increase income. Initially, the service would concentrate on the recruitment and training of enough staff to ensure a safe service was delivered to customers and that the TSA Accreditation was maintained at the next review in July 2022. Simultaneously, a marketing strategy would be drawn up to include online advertising, promotion of a new website with online retail capabilities, and demonstration appearances at relevant groups across Tendring. This strategy would be put into action once the service was fully staffed. Finally, fees and charges would be re-appraised towards the end of 2023 in time for implementation in April 2024. As Option 4 allowed time for the service to stabilise, an advertising campaign to take effect, and start generating new customers, whilst delaying fee increases for service users until April 2024, it was considered the lowest risk to the Authority and to Tendring residents. At the time, it was hoped that by increasing customer numbers and associated fees, the reported subsidy could be reduced. However, since that date, it had not been possible to deliver on those proposals to the extent that it had sufficiently reduced the subsidy to the service. It was also important to highlight wider economic factors that had been experienced since this earlier decision, including significant inflationary impacts in areas such as staff and other operational costs along with staff recruitment and retention challenges, all of which had an impact on the underlying 'economies of scale' for the Service.

It was also noted that there had been a significant increase in the number of non-Tendring residents, accessing service provision, via the Authority's contractual/commercial arrangements. The Careline service supported approximately 2,000 direct service users and supplied third-party provision serving approximately 7,500 service users.

Notwithstanding the above, it was important to highlight that there were a range of alternative providers, who were better placed to provide services, in the market, which provided a different context for the future provision of the Council's own service. Service users were now likely to be able to access more cost-effective provision in the market; Essex County Council provided a free of charge service if a resident was referred to them through a statutory provider e.g. Adult Social Care or a health care provider.

Members were made aware that in terms of the financial impact of the above, the total required subsidy was £0.494m in 2022/23 and £0.403m in 23/24. Based on the service continuing in its current form an additional £0.296m budget had been included within the 2024/25 forecast. It was also important to highlight the continuing capacity challenges to meet the needs of a range of customers, including the Authority's contractual commitments to other third-party companies.

Based on the above, and the continued development of the market in terms of other alternative providers, it was therefore timely to consider the future of the Careline (*telecare/lifting/response*) service within this changing context.

Over the past 12 months, a detailed review of the Careline service had been undertaken in light of the above, with the following considerations taken into account:

- *The provision of a quality, consistent, compliant service to customers;*
- *The delivery of a financially sustainable service; and*
- *Consideration and fairness to staff.*

Although there would be a number of permutations in relation to the options going forward, five underlying options had been identified (*within the context above*) which were summarised as follows:-

Option 1 – Maintain current position (*remain in the market, which will require on-going financial support*).

Option 2 – Provide an Out-of-Hours Council service only (*leave the market, focussing on the Council's core business and ceasing telecare and response/lifting*).

Option 3 – Reduce shift pattern to 6 hourly shifts (*remain in the market, staffing changes required, which will require on-going, additional financial support*).

Option 4 – Remove the responder/lifting service (*remain in the market, removal of one element of the service, which will require on-going, additional financial support*).

Option 5 – Termination of third-party contracts (*remain in the market and service Tending District Council residents only via the Careline scheme, which will require on-going, additional financial support*) and cessation of the TSA accreditation.

Detailed financial information relating to the five options was summarised in the following table:

Table A

Option	Potential Budget Required (£)	Potential Cost Pressure Required (£)	Potential One-off Costs required (£)	Alternative Providers in the Market	Comments/Considerations
1	487,538	262,468	286,830	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.
2	151,934	(72,956)	746,000	N/A	N/A
3	350,303	125,413	306,830	Yes	Recruitment/Retention challenges would

					remain along with challenges of a competitive market.
4	425,577	200, 687	378,395	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.
5	403,435	178,545	286,830	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.

It was noted that, although there was an increased one-off cost associated with Option 2, the pay-back period ranged from 2.22 years to 3.76 years when compared with on-going cost pressures for the other 4 options. *(1.20 years to 1.48 years if also taking into account the one-off costs associated with the other 4 options).*

Following the detailed review, Option 2 had been identified as the recommended option; that was to cease the telecare and lifting/response provision of the Careline Service with the service solely providing the Council's Out-of-Hours and CCTV service. The proposal would allow current service users to transfer to an alternative provider within the market, in line with their individual needs and as best fit the customer. The Council's Out-of-Hours service and CCTV would remain in place as a contact line supporting residents with Out-of-Hours emergencies.

Cabinet was informed that, in fulfilling its statutory Best Value Duty, a period of public consultation would need to be undertaken with customers, residents and other key stakeholders, which would also include the organisations that the Council was currently providing services to contractually. Subject to the decision proposed within the Portfolio Holder's report, potentially impacted staff would also be consulted with, acknowledging that the final decision on the future of the service had yet to be made.

A further report would be presented to Cabinet once the necessary consultation had taken place, to enable the outcome to be considered. During this period of consultation, there would be a pause on on-boarding new customers, pending the outcome of the consultation. This would avoid a disrupted service to new customers who could potentially be quickly transferred to an alternative provider. This applied only if Option 2 was agreed as the preferred option, as per the recommendations of the Portfolio Holder.

It was further noted that if Option 2 remained the preferred option, following consultation, an additional £300k would be set aside for transitional costs; this would also include developing a detailed transition plan which would include the following:

- *Contacting service users and/or their next of kin to explain the impact of the change and provide information about alternative providers.*
- *Redeployment options would be explored for affected staff, with redundancy considered only as a last resort.*
- *One month's notice of termination would be given to Careline customers as per their contract.*

That transition plan would be based on the following key principles:

- *Ensuring openness, transparency, and encouraging active engagement with Careline customers so that they were aware of the choices available to them;*
- *Ensuring transparency and supporting customers and staff through the associated processes;*
- *Aiming for the withdrawal from the provision of Careline service by 31 March 2025 and terminating any associated contracts and not entering into any further agreements or contracts. No additional customers would be permitted to join the current telecare/lifting/response scheme;*
- *Limiting where possible, the financial risks to the Council;*
- *Transferring the focus to the Council's core business e.g. Out-of-Hours, for Emergency Planning, Environmental Services and Housing.*

One-off funding would support the transition plan based on the above key principles which were likely to be informed by the associated consultation process.

Cabinet was satisfied that:-

- (i) given the changing market context, the recommendations of the Portfolio Holder were based on what was considered to be the best option for both service users and the Council;
- (ii) several other providers on the open market offered a like for like service, at a comparable price. Furthermore, Essex County Council provided a free of charge service, if a resident was referred to them through a statutory provider, such as Adult Social Care or a health care provider; and
- (iii) it was also important to highlight the continuing capacity challenges the Authority faced in meeting the needs of a range of service users, including those supported by third-party contractual arrangements.

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

RESOLVED that Cabinet –

- (a) notes the outcome of the review of the service as set out in the Portfolio Holder's report (A.8) and its appendices and agrees the decision, in principle, to adopt Option 2, that is to cease the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts and that the remaining service provision will solely relate to the Council's Out-of-Hours and CCTV service;
- (b) approves the necessary consultation to be undertaken with customers, residents and key stakeholders. This consultation to be based upon balancing best value principles with the needs of the Council's existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue to supply the service for;
- (c) delegates the format and design of the consultation to the Leader of the Council and the Portfolio Holder for Partnerships, in consultation with the Assistant Director (Partnerships) and the Assistant Director (Governance);

- (d) agrees the Communication and Engagement Plan with an overriding objective to encourage and support active engagement with services users to understand the principles of Option 2 and the alternative providers available, as well as understanding why Option 2 is the preferred option;
- (e) requests that the outcome of the consultation be reported back to the Cabinet in either October or November 2024, for a decision as to the future provision of Careline Services (telecare/lifting/response service), which will include a detailed transition plan as necessary; and
- (f) subject to the associated funding being agreed as part of report item A.9 elsewhere on the agenda, sets aside a total budget of £0.746m to meet the potential implementation costs.

38. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - FINANCIAL OUTTURN 2023/24

Earlier on in the meeting as detailed under Minute 24 above, Councillor Barry had declared an interest in agenda item 17 (report A.9) insofar as the report mentioned the Brightlingsea Lido of which he was a Trustee.

Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder (A.9), which sought its approval of the allocation of the overall 2023/24 General Fund revenue variance along with a number of proposed budget adjustments in 2024/25.

Cabinet was informed that the Portfolio Holder for Finance and Governance had agreed the overall outturn position for 2023/24 on 17 July 2024, with a high level summary of the General Fund revenue position set out below:-

Variance for the year before carry forward requests	(£14.440m)
Less revenue carry forwards requested by Services	£12.611m
Variance for the year after requested carry forwards	(£1.829m)

Some key highlights in the Portfolio Holder's decision were as follows:

- 1) the favourable variance for the year of £1.829m was currently being held in the Revenue Commitments Reserve;
- 2) carry forwards totalling £9.879m that had been requested by Services had been agreed, with a number of carry forwards totalling £2.732m remaining subject to further review, with the outcome of this review being reported separately in the year. In respect of any carry forwards subsequently not approved, they would be added to the overall outturn variance for the year that could then be considered alongside the development of the forecast / financial performance reports during the year; and

3) a number of recommendations to Cabinet relating to the potential allocation of the variance of £1.829m highlighted in the table above were proposed with the full resolution as follows:

(f) notes the overall General Fund outturn variance of £1.829m for 2023/24 that is being carried forward via the Revenue Commitments Reserve, and:

i) recommends to Cabinet that £0.259m of this overall General Fund variance that relates to the net outturn surplus on Off-Street Parking 'Account' is set aside for investment in that Service;

ii) agrees that the remaining balance of £1.570m is set aside to support the items included in Table 3 within the report and that final proposals be recommended to Cabinet when they consider the Portfolio Holder for Finance and Governance's Outturn report at their meeting on 26 July 2024.

In respect of the items highlighted in 3) above, the final proposed adjustments are included within Appendix A (Section 1) to this Portfolio Holder report (A.9).

The Portfolio Holder's report also provided a timely opportunity to briefly reflect on the in-year position for 2024/25, with some further proposed adjustments set out within Appendix A (Section 2).

In respect of 2024/25, it was also proposed to bring together a number of existing budgets to create a 'Corporate Investment Fund' to support the long term forecast and to enable key investments in 'spend to save initiatives', delivering priorities and supporting existing services. The proposed adjustments were set out within Appendix A (Section 3). Although further use of this fund would be subject to separate decisions later on in the financial year, Appendix A (Section 3) included three initial allocations that relate to other items elsewhere on the Cabinet agenda.

The recommendations set out in the Portfolio Holder's report set out a number of delegations associated with the delivery / implementation of the various items agreed within Appendix A as necessary.

Prior to the commencement of the meeting, members of the Cabinet had had circulated to them the wording of an extra proposed recommendation (n), which sought to allocate monies for additional IT security and resilience measures as part of the Council's response to the recent global 'Crowdstrike' incident.

In order to allocate the overall General Fund favourable outturn variance for 2023/24 and to agree a number of proposed budget adjustments in 2024/25:-

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

RESOLVED that Cabinet -

(a) notes the high level Financial Outturn Position, as set out in the Portfolio Holder's report (A.9) and the initial favourable General Fund Revenue variance of £1.829m for the year, which is currently held within the Revenue Commitments Reserve;

-
- (b) agrees the use of the General Fund Outturn for the Year of £1.829m, as set out in Appendix A (Section 1a);
 - (c) endorses the use of existing budget of £0.144m to provide financial support to Citizens Advice Tendring (CAT) in 2024/25, as set out within Appendix A (Section 1b);
 - (d) in respect of the additional £0.259m set aside for reinvestment in the Parking Service, agrees a delegation to the Portfolio Holder for Leisure and Public Realm to utilise this funding during the year;
 - (e) in respect of the additional £0.100m made available to support the Waste, Recycling and Street Cleansing Contract, agrees a delegation to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for the Environment, to utilise the additional proposed budget to support the work associated with the options appraisal / tender activities for the Waste and Street Cleansing Contract;
 - (f) in respect of the additional £0.100m made available to support the Seasonal Grounds Maintenance and Cleansing Costs, agrees a delegation to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for the Environment and the Portfolio Holder for Leisure and Public Realm to utilise the additional proposed budget to support any associated work;
 - (g) in respect of the £0.150m made available to support the Walton-on-the-Naze Lifestyles Facility projects associated with the Swimming Pool Grant Funded Capital Projects, agrees a delegation to the Portfolio Holder for Leisure and Public Realm to determine the business case and associated allocation of this funding;
 - (h) in respect of the contribution of £0.144m to CAT, agrees a delegation to the Leader of the Council, in consultation with the Assistant Director (Partnerships) and the Monitoring Officer, to extend the current Subsidy Scheme for 2024/25 (along the same principles of the decisions of Cabinet in July 2023) before any payment is made along with other associated governance arrangements ahead of 2025/26 as required;
 - (i) agrees the budget adjustments for 2024/25, as set out in Appendix A (Section 2);
 - (j) agrees the establishment of a Corporate Investment Fund (CIF) along with the associated budget adjustments for 2024/25, as set out in Appendix A (Section 3), which includes the three initial allocations from this fund;
 - (k) after the further review of Carry Forwards from 2023/24 that for any items subsequently not approved the associated amount shall be transferred to the CIF;
 - (l) notes the updates previously requested by Cabinet that relate to the two carry forwards from 2022/23, as set out within this report;
 - (m) agrees a delegation to the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2023/24 along with any corresponding adjustment to earmarked reserves as a

direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2023/24 accounts; and

(n) allocates a further £0.075m from the Corporate Investment Fund in 2024/25 to support the Council's digital / data resilience via the following two activities:-

(1) increase the frequency of immutable backups from quarterly to monthly; and

(2) the replacement of wireless access points within the Council's digital network across the Council's estate.

39. MANAGEMENT TEAM ITEMS - REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.10 - PETITION: REQUEST FOR PROVISION OF PUBLIC CONVENIENCES IN JAYWICK SANDS BEACH AREA

Cabinet considered a report of the Head of Democratic Services & Elections (A.10), which formally reported the receipt of a petition submitted requesting the provision of public conveniences in the Jaywick Sands beach area.

It was reported that, a paper petition submitted by Danny Sloggett as lead petitioner, on behalf of the Jaywick Sands Happy Club, had been received during April 2024. The petition contained 86 names and addresses that were legible and those persons were on the electoral register.

Cabinet was informed that the petition requested that public conveniences be provided in the Jaywick Sands beach area. The explanatory text for the petition stated:-

"We have been approached by holiday makers and locals concerning the lack of toilets by the beach to the point of locals finding people defecating in their gardens.

It's only going to get worse now the summer is here and the holiday makers are flooding in. We have a beautiful beach to enjoy but nowhere for people to go to the toilet."

Members were reminded that Public Conveniences were an executive function (Assets Portfolio) and therefore the Cabinet was the appropriate body to consider this matter.

The report contained the advice of the Assistant Director (Building & Public Realm), which was as follows:-

"Tendring District Council owns two existing public convenience locations in the Jaywick area: new facilities centrally located and recently opened on the Sunspot site and nearby older facilities at Tamarisk way which have been closed following severe vandalism. The new facilities are within around 700m of all parts of Jaywick Beach. Holiday makers at the nearby holiday parks have the benefit of facilities provided on those sites for their use.

By comparison the beach area of Clacton and Holland is served by six public conveniences (some seasonal) along its approximately 6 Km frontage. There is some signposting to nearest facilities.

Tendring District Council's public convenience strategy for Tendring adopted in June 2017 was to provide accessible, safe, high quality public conveniences for residents and

visitors. The Council has committed to a full review of this strategy in the current financial year.

The strategy proposed to achieve this aim by rationalising existing facilities that were considered to be operating from buildings that could no longer be maintained cost effectively, were located in areas which resulted in under use, or unacceptable levels of misuse and investing savings from closing such facilities into the refurbishment and improvement of remaining public toilets, bringing them up to appropriate standards.

The assessment also noted that provision of public toilets is a discretionary and not a statutory service provided by the local authority and as such is reflected in budgets.

The construction of a significant new public convenience on a shoreline site is likely to be substantially costly and may be hard to prioritise against other investment needs in the prevailing financial landscape.

The Council's public convenience strategy has ensured that all areas of the district that previously had public toilets would continue to be served by them. Jaywick Sands previously had an older building situated behind a local shop that experienced a high level of antisocial behaviour and vandalism. This site has been replaced by new modern facilities located at the Sunspot.

A review of all public conveniences will be completed and a new strategy produced this financial year."

The report also set out the comments of the Portfolio Holder for Assets (Councillor Kotz) as follows:-

"Whilst I note and welcome the substantial visitor usage of the excellent beaches at Jaywick Sands we must recognise that the Council is in a restrained financial position. Although I support the idea of increasing facilities and services it is hard to recommend among the current economic climate.

Reconsidering public convenience provision throughout the towns and coast of Tendring District can only fairly be achieved within the context of an overall review of the strategy. Such a strategy review can take account of the developing financial issues that we face and should follow consideration and resolution of those issues. I have asked officers to complete a review of the strategy in the current year accordingly.

I would like to thank the petitioners for their views and consideration. I acknowledge the visitor numbers in the area but believe that we cannot, at present, commit the organisation to the construction of new facilities. I believe that a review of this and other strategies should be carried out at a future juncture once the approach to the Council's financial position can be brought into clear focus."

During the consideration of this item, the Portfolio Holder for Assets submitted the following additional comments:-

"I refer Members to my comments at page 894 of the agenda and further say that Tendring District Council currently has 27 public conveniences across the District with 17 open throughout the year. The service is non-statutory but we realise public conveniences are an important service in any seaside area.

Toilets to the rear of Sweet Tina's shop were replaced recently with new toilets at the Sunspot development. The closed facilities are situated in a secluded area and were frequently closed due to vandalism and anti-social behaviour and created unsustainable costs to maintain and repair. The new facilities are modern, easier to keep clean and maintain and, because of the nature of the site, deter anti-social behaviour.

Jaywick beach is not owned by Tendring District Council and due to its potential to flood is not the ideal position for a facility of this type.

We are currently in the process of producing a new public convenience strategy which will review the current trends and needs of residents and visitors to the District as well as assessing the current provision in all areas."

In accordance with the Petitions Scheme, Danny Sloggett had been invited to attend this meeting to address the Cabinet, to outline the reasons for the submission of the petition and to describe what action the petitioners would like the Council to take. However, Mr. Sloggett was not in attendance at the meeting.

Having duly considered the Petition together with the information provided in the report:-

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

RESOLVED that Cabinet endorses the comments of the Portfolio Holder for Assets as this Council's formal response to the Petition.

The Meeting was declared closed at Noon.

Chairman