
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 23RD MAY, 2025 AT 10.32 AM
COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
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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 & Community Safety
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 & ICT

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

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Place and Wellbeing) & Deputy Chief Executive (Lee Heley), Corporate Director (Law and Governance) & Monitoring Officer (Lisa Hastings), Corporate Director (Finance & IT) & Section 151 Officer (Richard Barrett), Corporate Director (Operations and Delivery) (Damian Williams), Corporate Director (Planning and Community) (Gary Guiver), Assistant Director (People) (Katie Wilkins), Assistant Director (Corporate Policy & Support) (Keith Simmons), Waste & Recycling Manager (Jonathan Hamlet), Leadership Support Manager (Maddie Adger), Democratic Services Officer (Bethany Jones), Leadership Support Officer (Rebecca Catchpole) and Communications Officer (James Dwan)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

2. 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 11 April 2025, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time.

4. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council referred to the following statement in relation to the Clacton Leisure Centre Heating System which had been published as part of the agenda for this meeting:-

"On 22 April 2025 and in accordance with powers delegated to me within the Council's Constitution, as set out within Part 3 Responsibility of Functions (Scheme of Delegated Powers) – Schedule 3 (Responsibility for Executive Functions) – Section 3 (General Principles Regarding Decision Making by the Cabinet – Paragraph 4b [Part 3.29], I made an urgent decision on behalf of the Cabinet upon which I am required by those same provisions to make this public statement.

That urgent decision related to the Clacton Leisure Centre Heating System and was as follows:-

"That following the failure of one of two boilers serving the Clacton Leisure Centre swimming pool and accompanying changing rooms, the following decisions will agree a process to protect continuity of service, install a new boiler and accompanying plant through securing external funding and improve energy/carbon efficiency of a significant Council asset:-

- (a) the Portfolio Holder for Leisure and Public Realm agrees the strategy set out in this report for addressing the boiler failure at Clacton Leisure Centre, following an action set out for delivery in the Council's Sport and Activity Strategy;*
- (b) on behalf of the Cabinet and using the special urgency powers, in accordance with Parts 3.31 and 5.8, the Leader of the Council and Portfolio Holder for Finance and Governance, in consultation with the Portfolio Holder for Leisure and Public Realm agree for the Council to accept Salix Funding to the value of £1,204,481 and enter into the Funding Agreement, as set out in Appendix A, for the purpose of purchasing and installing a new Boiler and associated plant for Clacton Leisure Centre; and*
- (c) subject to (a) and (b), the Portfolio Holder for Economic Growth, Tourism and Regeneration together with the Portfolio Holder for Leisure and Public Realm agree to allocate £164,248 from the Community Regeneration Partnership Funding, as the Council's contribution to the purchase of a new boiler at Clacton Leisure Centre;*
- (d) subject to (a) & (b) above, that the installation of a new boiler system for Clacton Leisure Centre is added to the Capital Programme in 2025/26 with a total budget of £1,368,730;*
- (e) that the Leader of the Council and Portfolio Holder for Finance and Governance agrees to carry forward £45,000 from the former Joint Use Sports Centre budget from the 2024/25 financial year into 2025/26, and allocates this towards a budget which can fund a temporary oil-fired boiler system for Clacton Leisure Centre at short notice, as an interim measure, in the event of a failure of the remaining boiler prior to the project being completed;*
- (f) subject to (d) above, that the Leader of the Council and Portfolio Holder for Finance and Governance agrees an exemption to procurement is agreed to allow the Council to appoint its term contractor, Lindsey Group, to provide the temporary boiler, associated plant and labour;*
- (g) following (f) it is noted that the Assistant Director Sport, Leisure and Health will develop the procurement strategy for the commissioning of the contractors required to deliver the installation of a new boiler system within the milestones, as required by the Funding Agreement.*

(h) *It is understood that the decisions above are made in the context that the Council is bound by the Salix Funding agreement from the grant start date until 3 years after the project is completed."*

My reasons for taking that urgent decision were as follows:-

"Due to the requirement under the funding agreement to sign the funding agreement within 10 days, this request to you as the Chairman of the Resources and Services Committee, will agree to the 'special urgency' procedure being enacted, as listed in Rule 15 of the Access to Information Procedure Rules in Part 5 of the Council's Constitution. The response to this application was due in May 2025, so although this item has been listed on the Forward Plan, 28 days will not be passed in time.

Any delay in signing the agreement may result in the Council losing the external funding secured, which totals £1,204,481."

Following consultation, the Chairman of the Resources and Services Overview and Scrutiny Committee kindly agreed that the Special Urgency Procedure as set out in Overview and Scrutiny Procedure Rule 15 (Part 5.8), could be used, insofar as it only applied to my decision as the Leader of the Council as set out in paragraph (f) above.

Details of my urgent decision were also publicly reported to Members at the meeting of the Full Council that took place on Tuesday 20th May 2025.

That concludes my statement on this matter."

5. ANNOUNCEMENTS BY CABINET MEMBERS

ADEPT (Association of Directors of Environment, Economy, Planning & Transport) President's Awards Ceremony

The Deputy Leader of the Council & Economic Growth, Regeneration & Tourism Portfolio Holder (Councillor I J Henderson) reported that the above event in London had been attended by himself as well as the Corporate Director (Place & Wellbeing) & Deputy Chief Executive (Lee Heley). Tendring District Council had picked up a highly commended award for Sunspot as well as being put into Category One (Delivering Sustainable Growth) which included delivering net zero, building resilience, address inequalities, delivering services and infrastructure, housing, transport, waste, economic development, planning and growth, staff policies and procurement which was in partnership with Essex County Council.

Tendring4Growth

Councillor I J Henderson further informed Cabinet that the Economic Growth team had grown the Tendring4Growth brand over the last 3 years which meant that there was now an expectation amongst the local business community for the team to continue to deliver high value information, resources, events and opportunities. In order to meet those expectations, the team had been working on developing a website which was now live, and which contained information on how businesses could access free business advice and support through COLBEA which was being funded by the UK Shared Prosperity Fund.

Ribbon cutting at the new Innovation Hub

Councillor I J Henderson reported that he had had the pleasure of cutting the ribbon at the new Innovation Hub in Parkeston, which was now also the Freeport East Headquarters. A report had identified that Harwich was a prime location for bringing together a cluster of forward-thinking businesses and organisations involved in clean energy to drive forward economic growth in the area. This marked a milestone, not just for Freeport East, but for Harwich and the wider region.

6. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

7. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

8. LEADER OF THE COUNCIL'S ITEMS

There were no Leader of the Council's items on this occasion.

9. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.1 - RURAL ENGLAND PROSPERITY FUND (REPF) TRANSITION YEAR 2025/26

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.1) which recommended for Cabinet's approval the acceptance of the Rural England Prosperity Fund (REPF) transition year 2025/26 allocation to the Council which totalled £197,761.00, and which also recommended an approach to its spend, building on the successes of the previous REPF programme over the past two financial years, which aligned with Tendring District Council's (TDC) External Funding Framework.

Cabinet was reminded that the REPF 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 the Multiply, REPF, and Shared Prosperity Fund (UKSPF) Programmes. The REPF covered the majority of the Tendring District, however Clacton-on-Sea and Holland-on-Sea were not classed as rural and were therefore not eligible to apply for any of this funding.

It was reported that the 2024/25 REPF had now closed, though a transition year had been announced (in March 2025) for 2025/26 ahead of the longer-term funding arrangement to be announced in the Government's Spending Review 2025.

Cabinet was informed that via an updated funding formula, this Council had been allocated £197,761.00 (made up of all capital funding) to be allocated to grants/projects across two themes in 2025/26, which were unchanged from the previous programme and were supported by sub-themes as follows:

- Communities and Place
 - Healthy, Safe, and Inclusive Communities
 - Thriving Places

- Supporting Local Business
 - Support for Business

Members were made aware that, with regard to monitoring, the Department for Environment, Food and Rural Affairs (DEFRA) had issued certain interventions, objectives, outputs and outcomes, a copy of which was attached as Appendix B to the Portfolio Holder's report (A.1). Monitoring would continue to take place in the same way as previously administered, with six-monthly updates reported to Government via the Delta system. This programme allowed for spend, outputs, and outcomes to be reported to Government and to be signed off by the Council's statutory Section 151 Officer.

Some of the standard questions from DEFRA for 2023-2025 had been as follows:

- *Spend to date against the investment priorities and forecast;*
- *Summary of progress with an overall Red, Amber, Green (RAG) rating of the progress and trend, plus, short narrative progress summary update (250 words maximum); and*
- *Forecast underspend at the end of the financial year.*

It was felt that, over the past two years of grant funding, the REPF had proven to be highly successful for both businesses and community groups in Tendring. The benefits for businesses had included:

- *Revitalising pub kitchens, enabling them to serve home-cooked food, which had significantly increased footfall and popularity.*
- *Facilitating business expansion by providing funding for new websites, a machine tool controlled by a computer (CNC machines), 3D printers, ERP systems, and other essential machinery.*

Community groups had also derived substantial benefits, including:

- *Provision of special equipment for SEN children, allowing them to participate in activities alongside their peers.*
- *Upgrading swimming pool equipment, ensuring accessibility for all.*
- *Restoration of an old swimming pool for community use.*
- *Replacement of radio equipment for a local community radio station following an arson attack.*

Cabinet was told that in years 2023/24 (year one) and 2024/25 (year two), the REPF had financed the following projects:

- *Twenty-eight existing rural businesses, with a total funding of £359,000.*
- *Twenty-three new and improved community infrastructure projects, with a total funding of £251,000.*

It was reported that feedback from grant recipients had underscored the positive impact of the REPF, with many reporting they had been able to "employ more staff," "take on more work," and "have been able to complete jobs more efficiently."

The REPF grants awarded over the past two years were therefore expected to have a lasting positive impact on both businesses and residents of the District.

Cabinet was advised that, as a result of such success, the following two grant schemes were recommended to continue and to be open for applications for a period of two months using the same criteria, as set out in Appendix A to the Portfolio Holder's report (A.1), and in the light of the Government's expectations for the scheme.

REPF for Businesses £120,000.00

"The Rural England Prosperity Fund Business Grants Scheme" allowed for rural businesses across the District of Tendring ('rural' as defined by DEFRA's Magic Maps platform) to apply for between £5,000 and £20,000 for capital works to diversify or expand their operations or adopt new technologies to the business.

Members were advised that grants must be matched with at least 25 percent funding from private sources (so, if the total project cost was £10,000, a REPF grant could fund a maximum of £7,500). Match funding could be either revenue or capital. £20,000 in grant funding was the maximum a business could receive from this Scheme, but it was not a cap on the total project cost.

REPF for Communities £77,761.00

"The Rural England Prosperity Fund Community Grants Scheme" allowed for rural not-for-profit organisations across the District of Tendring ('rural' as defined by DEFRA's Magic Maps platform) to apply for between £1,000 and £20,000 for capital works to improve perceptions of their local area, increase use of existing facilities and support local community programmes.

Members were made aware that there was no match funding requirement as standard, however REPF could only support capital works. £20,000 in grant funding was the maximum an organisation could receive from this Scheme, but it was not a cap on the total project cost.

All projects within both grants had to be delivered by 31st March 2026.

It was believed that over the past two years, the successful implementation of the REPF had laid a strong foundation for continued progress. The strategic provisions established during this period had been instrumental in ensuring that the grants provided under the REPF would continue to deliver substantial benefits. Those grants were designed to maximise their positive impact on both businesses and residents within the designated REPF area. By fostering economic growth and enhancing community well-being, the REPF was poised to create a lasting legacy of prosperity and development for all stakeholders involved.

In order to ensure that the grants would continue to give maximum impact for both businesses and residents in the designated REPF area and to create a valuable opportunity to address the unmet demand from the previous funding round, ensuring that the needs of those who were previously underserved were met but also to enhance the overall effectiveness and reach of the Council's funding initiatives:-

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

RESOLVED that Cabinet –

- a) formally accepts £197,761.00 from the Rural England Prosperity Fund for 2025 to 2026;
- b) approves the allocation of £120,000.00 for the Rural England Prosperity Fund Business Grants Scheme and further approves the allocation of £77,761.00 for the Rural England Prosperity Fund Community Grants Scheme;
- c) approves the criteria for the assessment of grants for both Schemes under the Rural England Prosperity Fund, as set out in Appendix A to the Portfolio Holder's report (A.1);
- d) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism and the Portfolio Holder for Arts, Culture and Heritage to approve the award of grants to organisations under the Rural England Prosperity Fund in line with its sister fund's (the UK Shared Prosperity Fund) criteria; and
- e) acknowledges that the documentation to accept the grant funding from Government will require signing by the Council's Section 151 Officer, and which will be undertaken following that Officer's consultation with the Portfolio Holder for Economic Growth and Tourism.

10. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.3 - LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN FINDING

Cabinet was reminded that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission had given rise to maladministration. This report concerned actions that the Local Government & Social Care Ombudsman had determined were maladministration/service failings by this Council. This report was also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government & Social Care Ombudsman. The case in question considered by the Housing Ombudsman was as set out below.

Members were informed that the complaint had concerned a parent with two children who the Council had been able to house in temporary accommodation in the spring of 2024. At the time, and in view of the difficulty in finding suitable private rented or social housing to meet the family's needs, the parent and their children had been placed in bed and breakfast accommodation. The bed and breakfast accommodation sourced by the Council had provided them with an ensuite bedroom and a shared communal kitchen. The stay in this accommodation had continued for 10 weeks and 3 days.

Cabinet was cognisant that bed and breakfast accommodation could only be used for households which included a dependent child (or children) when no other accommodation was available and then for no more than six weeks. Bed and breakfast accommodation covered accommodation which was not self-contained, not owned by the Council or a registered provider of social housing and where the toilet, washing, or cooking facilities were shared with other households (Homelessness (Suitability of Accommodation) (England) Order 2003 and Homelessness Code of Guidance paragraph 17.35).

It was reported that the Ombudsman had recognised the difficulty the Council had had in finding suitable accommodation for the family and that it had taken steps to increase its supply of temporary accommodation. However, the law and guidance were clear that bed and breakfast accommodation should only be used for a maximum of six weeks for families. On that basis, the Ombudsman had found maladministration by the Council in respect of the four weeks and three days the family were in bed and breakfast beyond the permitted six weeks.

The Ombudsman had then considered the extent of the injustice in this particular case in respect of those 4 weeks and 3 days and had determined the payment that should be made to the parent.

Cabinet was advised that the Council had made representations to the Ombudsman concerning their draft decision and the Ombudsman had made changes from the draft to the final decision. However, notwithstanding those changes, the Ombudsman had not adjusted the level of payment it recommended in this case. In recognition of the stated maladministration and the distress that the complainant would have experienced, the Ombudsman had recommended an apology be sent to the complainant and a payment of £1,000 be made to them. The final decision notice from the Ombudsman had been dated 19 March 2025.

Members were informed that, both the apology and the payment to the complainant had been actioned. The decision to authorise the payment had been made on 8 April 2025 and the individual had received the necessary payment.

Cabinet was reminded that the Council had, since the opening of the Spendells House Temporary Accommodation facility in late 2024, been able to reduce the number of families being housed temporarily in bed and breakfast where the stay in that accommodation was over six weeks. However, the demand for temporary accommodation, the supply of suitable accommodation and the financial position of the Council might well mean that situations occurred whereby families might have to be housed in bed and breakfast for more than the six weeks permitted.

Having duly considered the Monitoring Officer's report on this matter:-

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

RESOLVED that Cabinet formally receives and notes the Monitoring Officer's report (A.3) and, in particular, the findings/orders/recommendations from the Local Government & Social Care Ombudsman in the case covered by that report, the compliance with those matters by the Council and the wider learning points set out therein.

11. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 13 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A, as amended, of the Act.

12. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & ICT PORTFOLIO HOLDER - B.1 - UPDATE ON THE WASTE AND RECYCLING COLLECTION AND STREET SWEEPING CONTRACT PROCUREMENT

RESOLVED that Cabinet -

- (a) notes the indicative annual costs emerging at this stage in the procurement process, as set out in the Portfolio Holder's report (B.1);
- (b) notes the financial position that the Council finds itself in and associated risk, uncertainty and associated value for money matters;
- (c) acknowledges that, as a direct implication of the Local Government Reorganisation programme for Greater Essex, the Council should no longer be pursuing a contract term for eight years plus and that a shorter term is necessary;
- (d) notes that through any proposed Local Government Reorganisation, a Shadow Authority for the Unitary Authority could be in place by April 2027, and be able to consider major contracts and liabilities together with the Sovereign Council, but that there is still significant uncertainty around any proposals and timetables;
- (e) notes the contents of the Legal Advice received by the Council's external solicitors, Sharpe Pritchard, as set out in full in Appendix A to report B.1;
- (f) undertakes an assessment of the risks identified together with the required mitigation measures, as set out in the aforementioned Appendix A and the body of the report (B.1);
- (g) subject to the above, determines whether to recommend proceeding with consideration of Option 1 (being confirmed in Part A following further information being taken into account through the content of that report (A.2)); and
- (h) authorises the Corporate Director (Operations and Delivery), in consultation with the Leader of the Council, the Portfolio Holders for Environment & ICT and Assets & Community Safety, and the Section 151 and Monitoring Officers to exercise a degree of flexibility with regards to the contract term following the dialogue sessions, to ensure the Council can deliver a statutory service from April 2026, to be included within the Invitation to Submit Final Tenders (which includes the detailed specification), without the need to revert to Cabinet.

13. READMISSION OF THE PRESS AND PUBLIC

Following the consideration of the matters set out in Minute 12 above, it was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and **RESOLVED** that the press and public be readmitted to the meeting.

14. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & ICT PORTFOLIO HOLDER - A.2 - UPDATE ON THE WASTE AND RECYCLING COLLECTION AND STREET SWEEPING CONTRACT PROCUREMENT

Cabinet considered a report of the Environment & ICT Portfolio Holder (A.2) which provided it with an update following receipt of detailed submissions from bidders at the Invitation to Submit Detailed Solutions (“ISDS”) stage of the procurement process. The report also set out options for the way forward and sought Cabinet’s agreement to a revised set of Core Specification Principles based upon the following circumstances:

- Greater Essex was now part of the Government’s Priority Programme for Devolution which included responding to Local Government Reorganisation (LGR), and which had been announced since the commencement of the procurement process and the risk and uncertainty that this brought; and
- the detailed solutions received from the bidders had indicated a contract price that was not affordable to the Council.

Cabinet recalled that, at its meeting held on 26 July 2024, it had agreed to the commencement of a procurement process to appoint a contractor to deliver the Council’s waste and recycling collection and street cleaning service from 2026 onwards, based upon a set of principles, which had translated into a specification for detailed solutions to be submitted against.

Members were reminded that the Council’s project team had been supported throughout the procurement process by four external organisations, chosen for their experience in supporting similar procurements elsewhere.

It was reported that the procurement process had largely adhered to the timeline previously suggested and that it was now well under way and the first detailed solutions had been submitted by the bidders. However, the price for those detailed solutions was not affordable by the Council, being potentially over £7m per annum above the current associated budgets.

Cabinet was informed that now that the detailed solutions had been submitted, Officers would be entering into competitive dialogue discussions with each individual bidder, after which the Council’s requirements would be finalised, and final detailed solutions (tenders) would be invited. As part of the process so far, Officers had provided feedback to the bidders involved on their submissions to date and had held two dialogue sessions with them aimed at reducing the contract price. Whilst price reductions were possible, they would not bring the price to a level that was affordable to the Council over the proposed contract term.

Members were aware that, since the commencement of the procurement process, central Government had announced proposals for Devolution and Local Government Reorganisation (LGR) and that this Council, being part of Greater Essex, was now on the Government’s Priority Programme. LGR, in particular, had cast a question over whether this Council should now, at this stage, be entering into a minimum eight-year contract when the councils it was likely to be merged with operated different delivery models for services for waste including in-house provision. The new unitary authority was also likely to become both a waste collection and a waste disposal authority (as defined in the Environmental Protection Act 1990).

It was felt that a shorter contract term would allow the new unitary authority the scope to determine how such services would be aligned much earlier in its life, potentially realising better value for money and greater efficiencies sooner. Those were options

explored earlier in the process but before Greater Essex had been invited to submit LGR proposals.

Cabinet had been made aware that the Council had received External Legal Advice on options on the way forward, which had been contained within a separate "Part B" report (due to legal professional privilege), and that Cabinet had ensured that an assessment of the advice, analysis of the risks and their mitigations had been undertaken prior to the recommendations set out in this Portfolio Holder report (A.2) being determined.

It was recommended by the Portfolio Holder that the Core Specification Principles be altered to reflect the following:-

- a shorter contract term;
- a reduction in specification aimed at reducing the level of risk and uncertainty whilst increasing affordability;
- that the Council did not take any risk on the value of the dry mixed recycling (DMR) collected at the kerbside; and,
- that the Council did not fund the up-front purchase of any vehicle fleet.

In order to ensure that the Council continued to progress the future of this important statutory service, meeting its affordability envelope whilst complying with the Environment Act 2021 requirements due to be introduced during 2026 and also taking due account of the implications and processes of LGR:-

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

RESOLVED that, following consideration of the legal advice and options available (in report B.1) and following its assessment and analysis of the risks and their mitigations, and the contents of that report (B.1), Cabinet formally -

- (a) notes the extensive work undertaken on the procurement process so far, both by Officers and external consultants following the Core Principles adopted in July 2024 and subsequent decisions;
- (b) acknowledges the impact of Greater Essex being part of the Government's Priority Programme and responding to Local Government Reorganisation, the Council must reassess its position with regards to the duration of the contract term;
- (c) acknowledges that, in addition to (b) above, the information received through the current procurement exercise to date would place the Council in the position of not being able to reasonably afford the cost should it decide to continue with the service as currently specified;
- (d) agrees that, in addition to (b) and (c) above, to balance associated risks, uncertainty and value for money alongside affordability, the option to purchase the vehicle fleet and the risk sharing option in respect of DMR will no longer be considered;
- (e) commits to ensuring it continues to fulfil its statutory duties and to provide a Waste Collection service beyond the ending of the current contract in March

2026 and complying with the additional requirements of the Environment Act 2021 from April 2026;

- (f) subject to (b) to (e) above and having considered the legal advice and options available (in Part B) and following its assessment of the advice, analysis of the risks and their mitigations, and the contents of this report, agrees to continue with the existing procurement process but with amendments to the contract length and specification (Option 1) based on the following key principles:
 - (i) the contract term will be reduced to 3 years with an option for an extension period of 2 years based upon responding to the risk and uncertainties of LGR;
 - (ii) a reduction in the service specification to ensure affordability and comply with our statutory duty to provide a waste collection service and street cleaning service;
 - (iii) the Council will not take any financial risk on the value of DMR material collected (Service Delivery Option A); and
 - (iv) the Council will not fund the up-front purchase of any vehicle fleet (Vehicle Funding Option B).
- (g) in addition to (e) and (f) above, a revised set of Core Specification Principles, as set out in Table 3 of the Portfolio Holder's report (A.1), will form the basis of the revised detailed contract specification;
- (h) authorises the Corporate Director (Operations and Delivery), in consultation with the Leader of the Council, the Portfolio Holder for Environment & ICT, the Portfolio Holder for Assets and Community Safety, the Section 151 Officer and the Monitoring Officer, following the dialogue stage, to determine the detailed revised service specification for the Invitation to Submit Final Tenders stage, ensuring the principles set out in (f) above are adhered to;
- (i) approves that an additional budget of £100k be made available for consultancy support funded via the Corporate Investment Fund, taking the total budget to date to £0.400m; and
- (j) acknowledges that a further report will be presented to Cabinet following the evaluation of final tenders, which will include proposed financial / budget adjustments as necessary.

The Meeting was declared closed at 11.20 am

Chairman