

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 20TH SEPTEMBER, 2021 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling and Griffiths and I Henderson
Also Present:	Councillor C Guiglielmi (Deputy Leader, Portfolio Holder for Corporate Finance and Governance) and Porter (Portfolio Holder for Leisure and Tourism)
In Attendance:	Lee Heley (Interim Corporate Director (Projects Delivery)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Andy White (Assistant Director (Building and Public Realm)), Keith Simmons (Head of Democratic Services and Elections), Kieran Charles (Head of Sport & Leisure), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	David Clarke (Hestur Limited)

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were also submitted on behalf of Councillor Land (with no substitution), Harris (with no substitution) and Morrison (with Councillor I Henderson substituting)

19. MINUTES OF THE LAST MEETING

- (1) It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 5 July 2021 be approved as a correct record; and
- (2) it was noted that, following the 5 July 2021 meeting of the Committee (Minute 15 refers) there had been an informal task and finish style meeting of Members of the Committee to look further at the issue of untenanted Council Homes (2Voids”) on 2 September 2021 and a further meeting would be taking place on 29 September with a view to recommendations on this subject being submitted to the next meeting of the Committee for consideration

20. DECLARATIONS OF INTEREST

Councillor I Henderson declared a personal interest in item 5, “Enquiry into Particular Elements of the Councils Sport and Leisure Service” (Minute 22 below refers) as he had a close family member working in one of the Districts Leisure Centres.

21. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

22. **REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM - A.1 - ENQUIRY INTO PARTICULAR ELEMENTS OF THE COUNCILS SPORT AND LEISURE SERVICE**

The Committee had before it a report that outline that the pandemic had significantly impacted Leisure Services nationally over the last eighteen months, as three waves of lockdown had shut Facilities and membership numbers had declined. Tendring District Council Leisure Service had not been immune from the national trends. A responsive approach throughout the pandemic had been required as the operating environment changed on a monthly basis. The downtime in the pandemic had enabled progress on major refurbishment works to the Council's main Facility at Clacton Leisure Centre. The Council, in its post Covid recovery strategy – Back to Business - had committed to further improvements to the external offer at Clacton, with a complete redevelopment of the Skate Park (which had now been reprogrammed to 2022).

As requested by the Committee, the update set out the Facilities usage over the previous five years and projections for usage in the current and next following four years, demonstrated the impact of the pandemic and future trends. The report also showed some of the financial consequences of the pandemic in the budget over the last five years, included revenue income, expenditure, capital/one-off investments and grants to the Council.

The Portfolio Holder indicated that the projections of future use were only projections and, as with all projections, should be treated with caution.

In the discussion, the approach to delivering excellent customer service and care in the leisure facilities was considered. Opportunities to improve these were raised and the Head of Sport and Leisure agreed to look at these matters with those in that service area.

In response to a question, the Head of Sport and Leisure agreed to provide the Members of the Committee with the detail of income/expenditure over the current and last four years by leisure facility together with the usage data from those individual centres.

The Head of Sport and Leisure also advised that the improvement works at Clacton Leisure Centre had identified the benefits of improved building management systems to reduce energy use. He also outlined the rebranding that had taken place at the sites and the new leisure facilities website. The opportunity for the Council's Tourism Service to promote the Council's Leisure facilities was referenced to the Portfolio Holder and officers to look at.

After an in depth discussion it was **RECOMMENDED to CABINET** to restate the Committee's request that an updated draft District-wide Leisure Strategy be brought forward as speedily as possible for consultation and that the Strategy should seek to enable a fresh direction to the delivery of leisure facilities and address the issues facing the District; including encouraging people to progress from being fairly active to active and from inactive to fairly active and the provision for those with disabilities.:

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

23. REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM - A.2 - ENQUIRY INTO PARTICULAR ELEMENTS OF THE COUNCILS SEAFRONT SERVICES

The Committee heard how in 2014 the Council instigated a £36 million coastal defence project stretching from Clacton Pier to Holland on Sea in partnership with the Environment Agency. Not only had that protected the coastline, it had led to the creation of 23 new sand beaches which provided a major opportunity for tourism development.

The Committee also heard that in 2016 the pre-construction phase started to stabilise the cliff between Hazelmere and Queensway, the pre-construction phase consisted of ground investigations, numerous surveys, obtaining planning permission, producing detailed designs, producing tender documents, obtaining tenders, and appointing a contractor in line with the procurement policy. The construction of the project commenced on 28/08/18 and was completed on 28/06/19 at a cost of £4.3 million. The project stabilised a 500m length of coastal slopes by temporarily removing 83 beach huts, excavating to construct a new piled slope retaining wall and new steel piled retaining wall at the base of the slope to provide a stable shelf for the beach huts to be returned. The scheme also included new drainage and Equality Act compliant ramped from the top promenade to the lower promenade.

The scheme was identified in the Clacton & Holland Geomorphological Assessment and Conceptual report 2015 produced by Mott MacDonald. The report had identified the areas most at risk of failure between Clacton Pier and Holland Haven. The report also suggested a detailed slope stability study of the cliffs to be carried out at a cost of £225,000. Based on that estimate the suggested cost to carry out detailed slope stability studies on all the cliffs the Council was responsible for would be approximately £700,000.

With the assistance of the Assistant Director for Building & Public Realm and Mr David Clarke of Hestur Limited (the Council's contractor for the current cliff stabilisation works), the Committee considered the risk factors for the cliffs in the area and the measures to reduce the risks and otherwise undertake works to stabilise the cliffs for the future. The aim would be to achieve cliffs with a sustainable factor of safety of 1.0. Mr Hestor advised that neighbouring cliffs to those currently being stabilised could fail with a marginal deterioration of the factor of safety. The works being undertaken were using techniques to reduce vibration and therefore not themselves cause the factor of safety to worsen in those neighbouring cliffs. He also advised that the current stabilisation works could be completed by December 2021 (although it had provided for them to be completed by March 2022 to allow for adverse weather impacts). The Assistant Director for Building & Public Realm referenced an initial visual overview of the slopes from the Pier to Holland Haven confirmed some were at more risk of failure and the bowed railings and cracked promenade in places were some of the indicators to this. He further advised that the original pitch-fibre drainage system was still in place in the cliffs although its effectiveness had likely deteriorated.

The Members heard how there were currently 3,040 beach huts directly under the operation and management of Tendring District Council. The Seafronts team managed the beach hut service, which strived to ensure continued popularity of Beach Huts in Tendring, continually improve seafront appearance and generate revenue to reinvest. A

further £64,000 worth of proposed improvements/additions to the Beach Huts would be coming forward in the near future.

In response to questions from the Members of the Committee, the Assistant Director for Building & Public Realm agreed to provide them with the detail of the improvement works over the last 5 years for Seafronts Assets and Infrastructure and the Clacton & Holland Geomorphological Assessment and Conceptual report of 2015 produced by Mott McDonald. The wish for these to be part of the public record was requested by Members of the Committee.

The point was also made that the extent of railings along the seafront promenade provided the Council with numerous opportunities to advertise issues, events and services.

After a detailed discussion the Committee **RECOMMENDED** to **CABINET** that:

- a. where observation reveals cliff slippages, all communication with Beach Hut Licensees in respect of Cliff Stabilisation and safety, is consistently shared with the relevant District Ward Councillors.
- b. the undertaking of a survey of cliff vulnerability across the 26 kilometres of coast line for which is this Council's responsibility and beach levels in the 23 bays created in 2013/14 in the Clacton-on-Sea and Holland-on-Sea areas be undertaken as an imperative piece of work in the next few months and thereby address the concerns raised by the Committee on 22 June 2020 (Minute 62 refers) and on 21 September 2020 (Minute 85 refers).

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

24. REPORT OF THE ASSISTANT DIRECTOR OF FINANCE & IT. - A.3 - FINANCIAL OUTTURN 2021/22 AND IN-YEAR FINANCIAL PERFORMANCE UPDATE FOR 2021/22

The Committee was provided an overview of the Council's financial outturn for the year 2020/21 and the allocation of the associated General Fund Variance for the year along with the latest in-year financial performance position for 2021/22.

The Members heard that on 30 July 2021 the Portfolio for Corporate Finance and Governance considered the Financial Outturn 2020/21 and:

- (a) notes the financial outturn position for 2020/21 as set out in this report and appendices;*
- (b) approves the financing of General Fund capital expenditure for 2020/21 as detailed in Appendix D;*
- (c) approves the movement in uncommitted and earmarked General Fund reserves for 2020/21 set out in Appendix E;*

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- (d) *approves the qualifying carry forwards totalling £23.322m (£14.352m Revenue and £8.970m Capital) as set out in Appendix K;*
 - (e) *agrees that all other carry forwards totalling £0.536m requested by services be transferred to the relevant earmarked reserve pending consideration by Cabinet at its September 2021 meeting;*
 - (f) *in respect of the Housing Revenue Account (HRA), approves the movement on HRA balances for 2020/21 including any commitments set out within Appendices H and/or I along with recharges to the HRA from the General fund of £2.813m for the year and the financing of the HRA capital expenditure set out in Appendix I;*
 - (g) *that, subject to the above, notes the various COVID 19 grant funding amounts set out in Appendix K (ii to iii) and approves the use of the funding as set out in the same appendix and in the main body of this report;*
 - (h) *that, subject to the above, recommends to Cabinet that the overall General Fund Outturn Variance for the year of £1.539m be used to support the essential works at the Weeley Crematorium;*
 - (i) *recommends to Cabinet that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget as set out in this report; and*
 - (j) *authorises the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, to adjust the outturn position for 2020/21 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 2020/21 accounts".*

The Members also had an update provided directly at the meeting of the Committee that, at its 17 September 2021 meeting, Cabinet had (in respect of the Outturn Position for 2020/21):

- (a) *Agreed that the total of £0.536m requested by services can be retained by them via the associated carry forward requests as set out in Appendix A; and*
- (b) *after considering the recommendations of the Portfolio Holder for Corporate Finance and Governance, agreed:*
 - (i) *that subject to the approval of an associated Project Initiation Document / Business case, it is approved in principle that the necessary remedial works be carried out at the Weeley crematorium funded by using the overall General Fund Outturn Variance for the year of £1.539m.*
 - (ii) *that subject to b(i) above, the approval of the Project Initiation Document / Business Case associated with the proposed remedial works at the Weeley Crematorium be delegated to the Portfolio Holders for Environment and Public Spaces and Corporate Finance and Governance; and*

(iii) that £2.060m be allocated to support the recent bid to the Government's 'Levelling Up Fund', funded by the use of amounts identified within the 2021/22 budget as set out later on in this report";

The Cabinet Report referred to above also included a timely update on the general financial performance of the Council in 2021/22. The timing of that report therefore allowed the Committee to review that most up to date position as well as the outturn for the year.

It was reported to Members that, although the Committee had considered a list of one-off funded projects at previous meetings, given the outturn for 2020/21 had only recently been finalised, the most up to date position was in effect the amounts requested to be carried forward into 2021/22 that were included within the report.

Updates were provided against that list, which were in-line with corporate priorities, as part of the quarterly financial performance reports that would be presented to members over the remainder of the year. However, work remained on-going to deliver against the associated projects supported by the additional capacity that would be funded from the £0.200m set aside for that purpose earlier in the year.

Following a review by Directors / Assistant Directors, the additional capacity identified as being required primarily centred around:

- Procurement
- Maximising External Funding Opportunities / Bid Writing
- General Project Management

In terms of procurement, as set out in the report to Cabinet, it was proposed to work in partnership with Essex County Council, which would allow the Council to not only access additional capacity but also specialist procurement advice / knowledge.

The Committee's attention was drawn to the Local Government Association's Peer Challenge Report of the Council in 2018 and the Annual External Audit Letters to the Council from 2018, 2019 and 2020 in which the levels of underspends each year had been identified as issues for the Council to address. The impact on deliverability of planned projects and the related issues of utilising/releasing committed reserves had been identified in the External Audit Letter 2020.

The Portfolio Holder for Corporate Finance and Governance confirmed his willingness to meet with the Chairman of this Committee to address the two issues referred to above from the External Auditor's Letter 2020 in relation to the list of one-off funded projects.

In response to questions from Members of the Committee, the Assistant Director for Finance and IT agreed to provide them with the decision and application to the UK Government for a scheme to be funded from the Government's Levelling Up Fund. The application had been submitted in conjunction with Essex County Council.

After an in depth discussion it was **RESOLVED** to note the report and that progress against the projects to be funded by one off sums/reserves/provisions be the subject of an enquiry at the March 2022 meeting of the Committee and. that this review

should include details of the original decision to allocate the funds and an assessment as to whether the scheme is on target to be delivered.

The Chairman thanked the Portfolio Holder and the relevant Officers for their contributions to the Committee's enquiry.

25. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to look into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee **NOTED** there were no forthcoming decisions.

26. RECOMMENDATIONS MONITORING REPORT

The Committee before it the current Recommendations Monitoring Report which set out those items which had previously made recommendations to the Cabinet/ Portfolio Holder and the approved response to the recommendations and any subsequent action for the Committee to consider.

In addition, the Head of Democratic Services & Elections advised the Committee that on 17 September 2021, the Cabinet had approved the following in respect of the Committee's recommendations on the Council's Tourism Strategy from 24 May 2021 (Minute 6 refers):

"I would like to thank the Committee for its views and where possible, suggestions will be built into the work programme for the delivery of the strategy. Further to this, I would suggest the Committee set up task and finish groups to look in detail at how some of the suggestions could be delivered in practice. In particular, the carbon offsetting of the Clacton Airshow and how further improvements can be made to improve cleanliness. I look forward to seeing the results of the in-depth scrutiny by the Committee in these areas and welcome further thorough scrutiny that results in an improved strategy."

It was **RESOLVED** that the Committee notes the report.

27. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was submitted to it in order to enable the Committee to review that programme.

The Chairman reported that since the adoption of the work programme, he had discussed the timing of the proposed enquiry into the Council's communications strategy. Following the discussions, the Chairman proposed that this enquiry be rescheduled from the 13 December meeting of the Committee to 13 March 2022. As a consequence, space would be created for the Committee to undertake an enquiry into the joint use agreements for leisure facilities which was currently the subject of consultation.

The Chairman further indicated that he would wish to see an opportunity for the Members of the Committee to consider informally the information requirements for the enquiry into Council enforcement in the next few weeks so as this information could be submitted to the Committee at its formal meeting on 1 November 2021.

The Committee noted the contents of the report and **RESOLVED** to approve the changes set out and otherwise relayed to it.

The meeting was declared closed at 10.31 pm

Chairman