

COUNCIL

26 SEPTEMBER 2023

REPORT OF LEADER OF THE COUNCIL

A.3 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid

On 23 June 2023, Officers acting on behalf of the Cabinet, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Cabinet's decision taken at its meeting held on 23 June 2023 relating to the Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid, be exempted from the call-in procedure.

The Cabinet's decision was as follows:-

"That Cabinet –

- a) notes the five projects for delivery across the Clacton Civic Quarter and Dovercourt Town Centre bids, as set out in the submissions to Government and confirms its endorsement to both schemes progressing within the context as set out;*
- b) accepts the £6,652,251 awarded to the Council for delivery of the Dovercourt Town Centre Improvement Corridor, following a successful Capital Regeneration Project award from Government, and authorises the Section 151 Officer to sign the associated Memorandum of Understanding with the Department for Levelling Up Housing and Communities (DHLUC);*
- c) agrees the draw-down of £250,000 from the Council's Levelling Up Fund Budget of £2.291m to support the early preparation phases for development of the scheme for Dovercourt;*
- d) authorises the Corporate Director (Place & Economy), in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree any associated expenditure for both Dovercourt and Clacton schemes, within the context of this report;*
- e) agrees to the proposed approach for delivering the projects, as set out in this report, working in close partnership with Essex County Council, as an integral partner, noting subject to further business case approvals by Essex County Council;*
- f) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism, in consultation with the Corporate Director (Place and Economy) and the Section 151 and Monitoring Officers, to approve the Heads of Terms for the various agreements;*
- g) authorises the Corporate Director (Place and Economy) to approve the final terms and conditions of the agreements in consultation with the Section 151 and Monitoring Officers; and*
- h) endorses the Portfolio Holder for Economic Growth, Regeneration and Tourism in forming a cross party 'Levelling Up' Working Party to receive project management updates at least four times a year on progress with the schemes, with particular attention to risk management for each individual project, budget and costings and delivery progress."*

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

"The Government had notified TDC Officers and gave a deadline of Friday 23 June 2023 to sign and return a Memorandum of Understanding and associated documents to the Department for Levelling Up, Housing and Communities in relation to the Dovercourt Town Centre Improvement Corridor Capital Regeneration Project funding award. Therefore, to miss that deadline would have placed the award of £6,652,251 in serious jeopardy."

(2) Extension of the Existing Public Spaces Protection Order (PSPO) in Clacton Town Centre

On 16 August 2023, the Head of Democratic Services & Elections acting on behalf of the Partnerships Portfolio Holder (Councillor Placey) and the Assistant Director (Partnerships), in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that the Portfolio Holder's decision relating to the consultation process to extend the Public Spaces Protection Order in Clacton Town Centre, be exempted from the call-in procedure.

The Portfolio Holder's decision was as follows:-

"To start the consultation process to extend the Public Space Protection Order in Clacton Town Centre. Consultation will take place over 14 days."

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

"The aim is to improve areas in Tendring that have been subjected to Anti-Social behaviour where street drinkers and youths congregate and where criminal activity takes place. Essex Police rely on the PSPO to respond to Anti Social Behaviour in the Town Centre.

To not support this work would be out of line with the Council's and Community Safety Partnership's current priorities. Essex Police have confirmed that they use the PSPO on a daily basis in Clacton town centre. It ensures enforcement activities can take place, alongside crime prevention. The PSPO provides a tool to ensure the swift resolution of Anti Social Behaviour."

Subsequently, on 31 August 2023, the Partnerships Portfolio Holder (Councillor Placey), in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that her decision relating to the extension of the existing Public Spaces Protection Order in Clacton Town Centre, be exempted from the call-in procedure.

The Portfolio Holder's decision was as follows:-

"To extend the Public Space Protection Order in Clacton Town Centre for a period of three years pursuant to the powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014."

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

"The current Public Spaces Protection Order (PSPO) expires on 31 August 2023 and Essex Police and Tendring District Council would like to minimise the gap between the expiration of the current Public Spaces Protection Order and the new order. Essex Police rely on the PSPO on a daily basis to remove alcohol from street drinkers and resolve incidents of Anti Social Behaviour including street drinking, the dispersal of groups, begging and violence. Essex Police and the Council's Community Safety Team rely on this

order to swiftly resolve situations in the town centre.

Consultation was carried out for 14 days (commenced on 16th August 2023) with local businesses and ward councillors.”

BACKGROUND PAPERS

(1) Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor P B Honeywood)'s consent dated 23 June 2023 to allow the Cabinet's decision to be exempt from call-in.

(2) Extension of the Existing Public Spaces Protection Order (PSPO) in Clacton Town Centre

Chairman of the Community Leadership Overview and Scrutiny Committee (Councillor Steady)'s consent dated 16 August 2023 to allow the Partnership Portfolio Holder's decision to be exempt from call-in.

Chairman of the Community Leadership Overview and Scrutiny Committee (Councillor Steady)'s consent dated 31 August 2023 to allow the Partnership Portfolio Holder's decision to be exempt from call-in.

APPENDICES

None