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Resources and Services Overview and
Scrutiny Committee

5 March 2024

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON TUESDAY, 5TH MARCH, 2024 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors P Honeywood (Chairman), M Cossens (Vice-Chairman), Bensilum, Griffiths, S Honeywood, Newton, Smith and Steady
Also Present:	Councillor Barry (as TDCs member on the NEPP) and Councillor Land (as ECC Chairman of the NEPP)
In Attendance:	Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Andrew Nepean (Public Realm Operations Manager), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted by Councillor Doyle (with no substitution).

38. MINUTES OF THE LAST MEETINGS

It was **RESOLVED** that the Minutes of the meetings of the Committee, held on 19 September 2023 and 10 January 2024, be approved as a correct record and be signed by the Chairman.

39. DECLARATIONS OF INTEREST

In relation to the matter set out at Minute 44 below, Councillors Honeywood and Land declared for the public record that they were also Members of the Essex County Council (as the authority responsible for on-street traffic regulation and enforcement). They remained throughout the item and participated and voted.

40. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor submitted notice of a question.

41. PORTFOLIO HOLDER INTRODUCTION - PORTFOLIO HOLDER FOR HOUSING & PLANNING

This Committee had recorded, at its meeting on 21 June 2023 (Minute 21 refers), that there was, in its view, value in inviting to each of its next several meetings, a different Portfolio Holder to address it on the focus for their Portfolio. For this meeting, Councillor Baker (Portfolio Holder for Housing & Planning) addressed the Committee in respect of his Portfolio. His introduction is recorded immediately below.

“Licensing, A revised and updated Taxi Private Hire Policy was introduced in late 2023, and adopted by Cabinet on 10th November 2023. I will be meeting with officers shortly to speak in regard to the ongoing budget and to identify if any savings can be made within it going forward, to contribute towards the savings that are required over the next three years. No current issues as most of Licensing is either demand led (taxi, licensed premises etc) or response led (i.e. enforcement issues reported). Planning and Conservation Appraisals, A number of Conservation Appraisals have been out for consultation and have been prepared to submit to Cabinet for adoption. A number are either still out for consultation or have recently finished, and again will be submitted to Cabinet, over several meetings, for adoption within this calendar year. That will then conclude the 20 Conservation appraisals that have been completed in a relatively short period of time. The Local Plan Review is ongoing, with a lot of work to be done by a small team, which will see some policies removed, some revised, and some unchanged. The importance of this review means that it must keep to the very strict timetable in order that an updated Local Plan can be submitted to the Planning Inspectorate in the Summer (June) of 2025, and once it has been found sound, to be then adopted by TDC Autumn 2026. The Local Plan will then run until 2041.

Tendring Colchester Border Garden Community. The Development Plan Document (DPD) was submitted to the Planning Inspectorate on 22nd September 2023 and an Inspector has been appointed. No definite date has yet been set for a hearing, although four days have been suggested as to the length of time required. Again after it has been found sound, after any modifications required to policies etc, it will be adopted, hopefully later this year. A hybrid planning application (outline with part Detailed) from Latimer, the developer appointed, is now expected to be in summer of 2025.

Other Planning Matters, Jaywick Sands Place Plan – the final consultation on this document has been completed, and once comments have been taken into consideration, the final report is likely to be presented at Cabinet, either in April or May for adoption.

Two Neighbourhood plans are currently being examined by the Planning Inspectors, these being Ardleigh and Elmstead Market, with both at varying stages. A number of large applications are coming forward, in Little Oakley, the mitigation site for Bathside Bay (to be heard on Monday 18th March) as well as an application at Bathside Bay itself, with an application for change of use so it can be used in the renewable energy field.

Challenges remain within 2024/2025 Budget as there was a £250k cost pressure within Planning for 23/24. Unfortunately Planning is somewhat reliant on planning applications coming forward with the relevant fees paid, so there can be peaks and troughs throughout the year which normally would balance out costs versus income.

The issuing of a costs award against TDC in March 2023, which resulted in an award of over £100k being paid out, cannot be underestimated, and as I said at Cabinet on 10th November last year, “appeal and cost decisions like these remind us that where planning proposals do accord with the Local Plan – there is an expectation both in law and in national planning policy that those proposals should be approved unless there are material considerations, that can be justified with evidence, to suggest otherwise.”

I will be meeting soon with Mr Guiver and other officers to discuss the planning budgets for 24/25 and where savings can possibly be made going forward to contribute towards

the savings that are required over the next three years. As you can see there is a lot happening, along with the day to day work of dealing with planning applications/appeals and enforcement issues, so I would like to take this opportunity to give my thanks to Mr Guiver and his officers for all their hard work.

Housing, Honeycroft – 13 Bungalows will be built out by 31/10/24 with occupation soon after. I have been speaking with officers about the possibility of using this opportunity to free up under occupied housing locally. Spendells – 30/31 rooms will be provided as temporary accommodation, with occupation as soon as possible after handover/completion this year. There is currently a slight delay due to a theft and criminal damage. Two members of staff have been employed to assist families at this location, as well as temporary accommodation elsewhere across the District.

An aspiration is to have similar properties, owned by TDC, for temporary accommodation, but that is at a very early stage, and will be dependent on appropriate properties and funding.

Stock condition surveys, of TDC stock – are currently ongoing which will indicate where any urgent/priority issues need to be dealt with. The intention is to achieve surveys of 25% of the Housing stock a year, and they were started in the mid November 2023. As at 4/3/24 just under 300 have been completed. Data obtained from these surveys will help us to plan where improvements are required, where repairs need to be actioned quickly, and also ensures that we are complying with the RSH, - this will now be an ongoing task. A new regulatory regime is starting in April this year, and together with Decent Homes Standard 2 (unlikely before end of this year apparently), will influence where the Housing Investment Programme (HIP) is directed.

A number of new policies are coming forward in the next few months, as well as revisions, due to either the Housing Ombudsman or RSH, and a number have already come forward and been adopted.

People presenting as Homeless, as the Committee is well aware, is an increasing problem not just locally or regionally, but countrywide, for a number of reasons, cost of living, inflation, reduction in the private rented sector etc, and it is felt that work is required to prevent homelessness, this in turn will then have an impact on the increasing costs of Temporary Accommodation. Three new policies were recently adopted.

Temporary Accommodation, linked to the above, has seen a steady increase. For the calendar year 2023, 369 households identified as having a priority need were placed in Temporary Accommodation.

In the last quarter of 2023 (October-December) there were 440 approaches to TDC as homeless, of which 142 were placed in Temporary Accommodation. In the same period 132 were moved into settled accommodation (however these last figures might include those from the previous quarter).

Government, last week, announced the figures of the Homelessness Prevention Grant for local authorities, which is, if my adding up is correct, means we will receive over £1 million pounds. I am meeting with our S151 officer to confirm the exact figure which will be available.

Acquisition & Disposal of Housing Assets – As I have said previously to this Committee there is an intention to dispose of those properties within our Housing Stock that are too costly to maintain or cannot reach the Decent Homes Standard.

Increasing our stock is important, but it needs to be in the areas where it is most needed, which will be outlined in a Strategic Housing Market Assessment being done for the review of the Local Plan.

In regard to acquisitions/disposals a new Asset Management Plan is currently in draft form to deal with this issue.

I have recently signed decisions to accept 17 ‘gifted’ units, and also initiation of the property dealing procedure for two further properties in the north of the District.

A Tenants Panel meeting was held in February, the first since the same time last year, and it now has a Chairman. We will be looking to hold similar meetings quarterly and across the District.

On 29th February a Private Landlords forum was held, and the intention is to hold one annually, or possibly more often.

There is also the Healthy Homes Initiative being undertaken in Jaywick, which has funding for three years, with there being three stages of this initiative, these being housing, environment and open spaces. I am due to receive an interim report on progress, and measurable successes but I am aware that a number of improvement and prohibition notices have been served on landlords, and this work to improve residents standard of living is ongoing. This stage started in March 2023.

In regard to the environment stage there is a planned action week this month, in conjunction with different services within TDC and also our external partners, as well as community groups.

Budgets, I will be speaking to officers to discuss budgets, and using funds more efficiently from HIP for own stock. As I have previously stated, there will be 6 monthly reviews of the HRA 30 year plan, and the next meeting for that is scheduled for May”.

Following the above introduction from Councillor Baker there was an opportunity for Members of the Committee to ask him questions. The questions asked, and the responses provided, are set out here:

QUESTIONS	ANSWERS
In relation to the Tendring Colchester Borders Garden Community and the development of schools, do you envisage new schools in development for the TCBGC having an impact on existing schools and possibly leading to closures?	Such things would be too far into the future to comment, also education provision was under the remit of Essex County Council and not Tendring District Council.
Honeycroft – Would the Council be offering places to the original residents once the site was habitable again?	TDC made a commitment under the previous administration to make offers to the previous residents first, this administration would honour that

	commitment.
Has the Council thought about giving incentives to our current housing tenants if they were willing to move to more appropriate housing thus freeing up needed properties.	Yes, it was being considered, but how this would be implemented was still to be decided and cost would have to be considered.
Jaywick Team – Many officers have left the team, what was the position with replacing them?	The majority of the officers left to facilitate other roles within the Council. At present the team was staffed by agency workers as recruitment was difficult at present, but there were plans in place to replace them.
Spendells, the opening has now moved from April 2024 to November 2024. Do you know how this would affect project spend?	I don't have those figures to hand, but would come back with an answer.

Following the questions and their related responses.

The Committee **RESOLVED** to thank the Portfolio Holder for attending the meeting and providing his introduction and the responses to the questions asked of him.

42. **REVIEW OF THE WORK PROGRAMME**

The Committee had before it the report in the name of the Head of Democratic Services & Elections in respect of the work programme of the Committee (setting out its progress with enquiries scheduled for this year), the responses from the Cabinet to recommendations from this Committee on enquiries undertaken by it and on matters included in the Council's list of forthcoming decisions since the publication of the agenda for the Committee's last meeting. The Cabinet's response to the recommendations from the Committee (arising from an interim report of the Council Enforcement Arrangements Task and Finish Group concerning Planning Enforcement) from its meeting on 10 January 2024 (Minute 35 refers) would need to be submitted to the next meeting of this Committee.

The Chairman, in his role of Chairman of the Council Enforcement Arrangements Task and Finish Group, updated the Committee on the further progress of the enquiry being undertaken by that Task and Finish Group. He explained how the Task and Finish Group had met earlier that day and was now progressing with the element of the enquiry concerning fly tipping and mobile CCTV. He was pleased with the progress so far.

The Head of Democratic Services and Elections drew the Committee's attention to an item in the Committee's work programme "To consider particular services/functions of the Council that should or could be Self-Funding" and how this work had not yet taken place and it was unlikely to be carried out in the year to July 2024. Ensuring that the financial position of the Council was fully subject to scrutiny was an important element of the role of this Committee. As such, it was appropriate to commence thinking about the work programme for the Committee for 2025/26 and how that financial scrutiny could be appropriately delivered.

The Committee was also informed that there was now a mandatory requirement for Members of this Council's Overview and Scrutiny Committees to undertake training in

relation to “work programming and questioning skills”. In this regard the Council was reminded of the Councillor Development session on 13 March 2024 on the matter of “work programming and questioning skills” for overview and scrutiny.

The Members attention was drawn to the responses from Cabinet to the Committee’s recommendations in relation to Budget Scrutiny and Jaywick Sands Sunspot.

The Head of Democratic Services and Elections spoke of the forthcoming decisions recorded in the report to the Committee and how a further proposed decision had been published since the publication of the agenda for this meeting about the creation of a Town Board for Clacton on Sea (as part of the arrangements to access the Future of Towns government funding) and how this would be reported to be next meeting of the Committee. He envisaged that prior to that meeting there would be further information on the Town Board and the plans for investing the funding to be provided under the Future of Towns government scheme that would be provided to Councillors.

The Committee **RESOLVED** to receive and note the report and, as a possible provisional enquiry for the Work Programme for the Committee in 2024/25, the following be submitted:

Proposed PSPO (Nuisance Vehicles) - Brook Park, Clacton-on-Sea – on the basis that dispersal and displacement of issues following the adoption of such Orders was a matter that rightly should be monitored.

43. TREASURY MANAGEMENT UPDATE

The Assistant Director of Finance and IT introduced the report and explained to the Committee the importance of Treasury Management to Local Authorities especially considering what has happened to Local Authorities throughout the Country of the last 12 to 18 months.

The Members were informed that the documents before them (The Capital and Investment Strategies) explained the governance arrangements around capital investment as well as governance arrangements for borrowing and investment, for the Council. The documents were approved by The Leader of the Council, in his role as Portfolio Holder for Governance and Finance, for consultation tonight, after which this Committee’s input would go on to Cabinet with a view to a recommendation then being submitted to Council.

The Committee’s attention was drawn to Appendix A of the agenda, where the changes to the strategy were highlighted.

The Members were reminded that the Council had lent Birmingham City Council £6 million, and that the first repayment of £4 million was repaid on time, which was February 2024. He once again reinforced his position that lending to other local authorities was a safe investment with minimal risk.

The Committee was told that as the Council has a very risk adverse investment plan he did not envisage any issues with recent changes to the Governments Levelling Up and Regeneration Act. The Councils position was to accept a lower return on investments if it meant more security within the investment.

The report informed the Committee of other Councils delegation powers given to their section 151 Officers and how they had been considered “extraordinary” (the connotation being negative), the Head of Finance and IT assured the Committee that no such delegations existed at The Council.

The Committee **RESOLVED** to thank the Assistant Director of Finance and IT for his attendance and to note the detail around Treasury Management as submitted in the report provided and as articulated by the Assistant Director.

The Committee also **RECOMMENDED TO CABINET** that further clarity is required around the relative roles of consultation on the Council’s key investment proposals and the significant financial constraints on the Council over the coming years to ensure that the reader of the Treasury Strategy would be clear on the relative roles.

44. ON STREET PARKING ARRANGEMENTS IN THE DISTRICT

Further to Minute 39 above, and for the sake of public transparency, both Councillors P Honeywood and Land declared for the public record that they were both Essex County Councillors.

The Head of Democratic Services and Elections informed the Committee that the enquiry into On Street Parking Arrangements, was approved by Full Council in July 2023 and added to the work programme for the Community Leadership Overview and Scrutiny Committee. The Chairmen of both Committees agreed that due to the time constraints of having this item heard, it was best served to be discussed at this meeting by the Resources and Services Overview and Scrutiny Committee.

The Committee was provided with a report from the Corporate Director for Operations and Delivery on the North Essex Parking Partnership (NEPP) in relation to the establishment and operation of the Partnership. A ‘rescue plan’ produced by the NEPP in view of severe financial issues affecting it was submitted as part of the report. The Committee Members had also been provided with a separate report to be considered by the Council’s Cabinet on 12 March 2024 (Agenda Item 13 – Report of the Leisure & Public Realm Portfolio Holder – A6 Joint Committee Agreement of the North Essex Parking Partnership).

The Committee heard from Councillor Barry, as this Council’s representative on the North Essex Parking Partnership (NEPP) (a joint Committee with the five other District Councils in North Essex and Essex County Council). He explained how his first meeting was in June 2023 and that at that time there were already historical concerns in relation to the NEPP’s budget figures, he felt they didn’t add up and how he raised this as an issue at that meeting.

Councillor Barry then explained to the Committee that within the NEPP agreement there was the need for the organisation to have a designated Treasurer and when he enquired into this, at the second meeting in November 2023, he was met with the answer of *“I don’t know, maybe it is Colchester City Council’s 106 Officer”?*

Due to this answer Councillor Barry stated that he was no longer able to agree on any matters in relation to NEPP finance until the financial records were signed off by the

Colchester City Council 106 Officer and after a full set of accounts were sent to each of the Partner Authorities 106 Officers for review.

Councillor Barry outlined how after reading the agenda for the third meeting of the NEPP, set to take place in December 2023, he was unhappy that the figures were still not supplied and asked for the meeting to be postponed until 1 February 2024 so the figures could be supplied. At the meeting in February 2024, he asked for there to be monthly updates as it was coming to the end of the financial year. The level of deficit was so out of control he actively discussed the possibility of leaving the NEPP.

The Committee heard that to leave the NEPP any Partner Authority must give 12 months' notice, and that notice must be given at the end of the financial year, that meant that if notice was given in after March 2024, the Council couldn't leave the NEPP until April 2026.

Councillor Barry had asked for a variation to the agreement that would allow the Council to either:

- a) Give the Council more time to scrutinise the finances of the NEPP and make an informed budget decision, or;
- b) make the decision to leave, but then have the ability to have that decision rescinded if the Council can scrutinise the finances of the NEPP and find them acceptable.

The Committee heard from Councillor Dan Land, in his role with Essex County Council as Chairman of the NEPP, which he had been in post for nearly a year. He explained that on street parking enforcement was the responsibility of Essex County Council and that they contract out this work to the NEPP. This covered 6 District Authorities and each of them had 1 Councillor who sits on the NEPP Committee, each Councillor was joined by an Officer called a Client Officer. He explained that since he had joined the Committee there had been a lot of change in relation to its make-up, with constantly changing Councillors and Client Officers, he expressed that there was a definite lack of continuity.

The Committee heard how the NEPP had faced financial challenges lately and some of that was down to the difficulty in employing enforcement staff as well as a raise in wages and a change to human behaviour, more people working from home has led to less parking fines.

Councillor Land acknowledged that some information had been quite difficult to obtain but he was doing everything he can to make it as transparent as possible.

During the debate Councillor Barry agreed that he was not in favour of the Council being unable to veto proposals for its own area and that any proposals to put on street parking charges along our seafronts was unacceptable. He also stated that he and the Councils 151 Officer have both looked at the NEPPs figures, and they do not add up. He drew the Members attention the fact that the NEPP agreement states that there must be surplus of £400k with in their accounts before they can action any Traffic Road Orders (TRO's) and at present that money was not in surplus in the NEPP's accounts, this left

him questioning the legality of some of the NEPP's actions. This level of concern was mirrored in 3 or 4 of the Partner Authorities.

Councillor Barry highlighted how the debt revenue expected from each Partner Authority was different and that how it was calculated did not seem fair, with Tendring Council being one of the highest.

The Chairman of the Resources and Services Overview and Scrutiny Committee commented that:

"In my view the NEPP appears to have adopted a one size fits all approach to on street parking enforcement and as a result is unable to recognise when local issues need addressing.

This is turn means specific enforcement action is not being taken when needed.

In coastal areas such as ours the level of support needed can vary due to several issues including the time of year, whether there are events organised or simply the weather forecast.

NEPP enforcement officers have not responded to this, rarely being around in the evening, or available for late night or special events for example.

As the report states, there has been a reluctance by the NEPP to accept offers of support for enforcement other than outside of schools which has now been discontinued.

There's also a reluctance to delegate authority to issue Penalty Charge Notices to any enforcement officers unless employed directly by the NEPP.

Listening to local people, this has resulted in an increasing number of complaints and dissatisfaction from residents.

Two Possible Solutions

To me there are two possible solutions to this problem that would benefit both ECC and TDC.

The return of all on-street parking and management to the district by means of a service level agreement with ECC creating a situation where local parking enforcement would be tailored to meet local needs by TDC.

TDC would operate the on-street service at nil cost with surpluses paid to ECC for local highway related schemes and any losses would be met by TDC.

Alternatively.

For delegated authority to be given to TDC enforcement staff to enforce on-street parking within Tendring alongside officers from the NEPP.

TDC would not seek any financial remuneration for this arrangement.

Conclusion

Personally, I would prefer the first option but, in my view, either of these proposals would benefit both ECC and TDC and would show the two councils working together for the benefit of local people.

In 2021 these proposals had the support of the then Leader of Tendring District Council, the Chief Executive, and TDC senior officers but were never progressed”.

After an in-depth discussion it was moved by Councillor P Honeywood, seconded by Councillor Smith and unanimously agreed to **RECOMMEND TO CABINET** that:

Alongside and in addition to the recommendations being considered by the Cabinet on 12 March 2024 concerning the Council's membership of the North Essex Parking Partnership, the following options be authorised as part of the negotiations with the Partnership and Essex County Council (ECC):

- (1) The return of all on-street parking and management to the District by means of a service level agreement with ECC creating a situation where local parking enforcement would be tailored to meet local needs by this Council. This Council would operate the on-street service at nil cost with surpluses paid to ECC for local highway related schemes and any losses would be met by this Council; or
- (2) For delegated authority to be given to this Council's enforcement staff to enforce on-street parking within Tendring alongside officers from the NEPP. In this option, this Council would not seek any financial remuneration for this arrangement.

The meeting was declared closed at 9.45 pm

Chairman