

## Record of Officer's Decision

### The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	27 <sup>th</sup> September 2024
Decision Maker (Officer):	Lee Heley, Corporate Director, Place and Economy.
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	<p>Cabinet Decision 26.07.24 minute 32: <i>“(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></p> <p>Council Decision 06.08.24 minute 30:  <b>“RESOLVED</b> that Tendring District Council act as the Accountable Body for the Levelling Up Partnership (or alternative relationship determined by Government in revised policy), which forms part of the Council’s Corporate Plan 2024-28, ‘Our Vision’ and therefore, within the Policy Framework.”</p>
Identify which Portfolio Holder(s)/ Officers consulted	N/A
Ward Member(s) consulted?	No
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To enter into a Memorandum of Understanding with the Ministry of Housing and Local Government (MHCLG) to pursue a Levelling Up Partnership with Government to a value of £19.79M capital and £100,000 revenue that will be used to invest in agreed projects to the benefit of Clacton and Jaywick, until March 2026, which covers the funding period and the evaluation period.

<p><b>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</b></p>	<p>Government chose to benefit Clacton and Jaywick through investment in projects delivered through a Levelling Up Partnership, with Tendring District Council as Accountable Body.</p> <p>Government officials met many partners on a week-long ‘deep dive’ in Clacton and Jaywick, and recommended projects for investment to their ministers. Ministers have agreed 16 projects to fund through the Levelling Up Partnership to a value of £19.79M capital and £100,000 revenue and requested that Tendring District Council enters into a Memorandum of Understanding for their delivery as Accountable Body.</p> <p><u>Specific objectives are:</u></p> <ul style="list-style-type: none"> <li>• Improve the living offer</li> <li>• Improve community safety in Jaywick</li> <li>• Increase connections and access to jobs</li> </ul> <p><u>Partnership activities:</u></p> <ul style="list-style-type: none"> <li>• Bus infrastructure in Clacton and Jaywick; Community Transport Buses;</li> <li>• Sunspot Centre solar panels; Tudor Fields – Jaywick walking route; Expanding housing work of Jaywick Healthy Homes initiative; Jaywick Sands public open space;</li> <li>• Town centre and seafront public realm; Jaywick and Clacton shopfront improvements; Fitting out skills hub at Clacton Hub;</li> <li>• Seafront arts / community micro venue; Cultural venue; Repurposing Martello towers; Cultural masterplanning</li> <li>• Active Wellbeing Centre Phase One and inclusive cycling facility; Urgent Treatment Centre and Primary Care Facility.</li> </ul> <p><u>Funding</u> MHCLG will provide £19,890,000 funding to Tendring Council via a Section 50 grant (Internal Markets Act 2020) in the expectation that satisfactory progress is made to deliver the agreed package of projects and activity.</p>
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Funding must be used for the projects and activities listed above, and the Council can move funding between projects and activities in order to deliver the agreed outcomes. The Council can submit a request to add a project to the package if it meets certain criteria.

An MHCLG official emailed the Council on the 24 September 2024 to confirm that monitoring spend can include when funding is committed through contracts and third-party agreements to ensure that satisfactory progress is made.

#### Monitoring

Tendring District Council commits to ongoing monitoring, with the aim of ensuring accountability and performance against milestones, spend, risks, outputs and outcomes. The process and impact of the Levelling Up Partnerships programme will be evaluated and will include a number of case studies.

Tendring District Council will be required to provide MHCLG with a signed statement of the Section 151 Officer that the grant has been used for the delivery of the funded activities.

#### Responsible Officer

Designated lead members of staff for both TDC and the Government are set out in the MOU

#### Previous decisions

A report to Cabinet in July 2024 explained the progress with the Levelling Up Partnership, and made recommendation to Council to integrate it within the Council's policy framework, which was approved in August 2024. That report also set out how the Council would increase its capacity through a Project Delivery Unit to support delivery.

It was recommended:

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

	<p>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;</p> <p>(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;</p> <p>Subsequently Full Council resolved that Tendring District Council act as the Accountable Body for the Levelling Up Partnership (or alternative relationship determined by Government in revised policy), which forms part of the Council’s Corporate Plan 2024-28, ‘Our Vision’ and therefore, within the Policy Framework.</p> <p>This report updated the “Funding Opportunities for Tendring” report to Cabinet in December 2023, where Cabinet agreed to</p> <p>f) delegate entering into any agreements with the Department for Levelling Up, Housing &amp; Communities for the funding streams set out in this report (LU Partnership, Long Term Plan For Towns, High Streets Accelerator) to the Corporate Director (Place and Economy), in consultation with the Section 151 Officer.</p> <p><u>Future decisions</u></p> <p>Further detail on each project will be reported to Cabinet before funding decisions are made to progress each individual project.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>The MOU that the Council is being asked to sign is not a legally enforceable agreement however, it provides a framework for collaboration and sets out the expectations of both parties during the period of intervention and delivery of agreed projects.</p> <p>Ownership of risk will be transferred to Tendring District Council as the accountable body. It will maintain and monitor a risk register for the agreed package of projects and activities. It will update MHCLG on risks as required and on a quarterly basis as a minimum.</p> <p>Although the risk of being the Accountable Body remains with the Council, it is acknowledged that the successful delivery of a number of projects (in full or in part) rely on the engagement with partners. This will</p>

	<p>therefore remain a key consideration / risk going forward which will be managed via associated agreements between the relevant parties as necessary.</p> <p>MHCLG will not provide further funding for any cost overruns associated with any of projects and activities included in the agreed package.</p> <p>The Cabinet Report of July 2024 highlighted risks:</p> <p>The levelling up partnership projects could pose a significant delivery risk to the organisation. Nearly £20m to be delivered in a short timescale, which would likely require funding agreements with external organisations and commissioning private sector delivery partners.</p> <p>Recruitment of additional capacity helps to mitigate the risk, and the council will maintain a risk register for the programme to manage risks, but the scale of the programme remains substantial. In the very short term while the Project Delivery Unit is set up there are significant capacity challenges which will ease as new staff come on board in the later summer and early autumn.</p> <p>Delivery on time will remain a significant risk. Capital projects require design and construction works to be procured and completed, and some may require planning permission. These processes take time and can be subject to delay, even before construction starts. The aim of the Project Delivery Unit is to provide the capacity to manage the projects so support delivery within the programme. However, given the scale of the work and the expected tight timeline, it is recognised that delivery risks will remain high. Overspends. With capital works of nearly £20M there is a risk of overspend, either as tenders come in higher than expected, or if there is cost escalation once works start, for example due to ground conditions. The project delivery unit includes a finance officer to ensure that there is oversight of the finances within the programme, and that the systems are in place to manage money.</p>
<p><b>Details of any Alternative Options Considered and rejected (together with reasons):</b></p>	<p>The alternative options are not to enter into the Memorandum of Understanding, or to seek to amend it.</p>

	<p>Without signing the MoU funding to progress Levelling Up Partnership Projects would not be released. Given the scale of the project work in the limited time available, and the risks to the Council if there were overspends at a time of tight finances, the option of not taking the projects forward was considered. However, it was ultimately dismissed as it would forfeit significant government funding and the opportunity to address important local issues.</p> <p>The Council provided feedback to the Government on draft versions of the Memorandum of Understanding, and this final version provides increased flexibility, for example a single funding period to March 2026, and it is clarified that spend includes funding that is committed through contracts and third-party agreements.</p>																		
<p><b>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</b></p> <p><b>If relevant, a note of the dispensation granted by the Monitoring Officer:</b></p>	<p>N/A</p>																		
<p><b>Reason Decision, or supporting Report, is not published:</b></p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><b><u>and</u></b></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>	<table border="1"> <tr> <td data-bbox="576 1283 635 1361" style="text-align: center;"><b>X</b></td> <td data-bbox="635 1283 1385 1361">Not applicable – Decision [and report] to be published</td> </tr> <tr> <td colspan="2" data-bbox="576 1361 1385 1435" style="text-align: center;"><b>If Report is not to be published – tick one of the following boxes:</b></td> </tr> <tr> <td data-bbox="576 1435 635 1509"></td> <td data-bbox="635 1435 1385 1509">The report supporting the Decision contains confidential information</td> </tr> <tr> <td data-bbox="576 1509 635 1621"></td> <td data-bbox="635 1509 1385 1621">The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td> </tr> <tr> <td data-bbox="576 1621 635 1659"></td> <td data-bbox="635 1621 1385 1659"> <ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul> </td> </tr> <tr> <td data-bbox="576 1659 635 1697"></td> <td data-bbox="635 1659 1385 1697"> <ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul> </td> </tr> <tr> <td data-bbox="576 1697 635 1816"></td> <td data-bbox="635 1697 1385 1816"> <ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul> </td> </tr> <tr> <td data-bbox="576 1816 635 1928"></td> <td data-bbox="635 1816 1385 1928"> <ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul> </td> </tr> <tr> <td data-bbox="576 1928 635 2036"></td> <td data-bbox="635 1928 1385 2036"> <ul style="list-style-type: none"> <li>• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> </ul> </td> </tr> </table>	<b>X</b>	Not applicable – Decision [and report] to be published	<b>If Report is not to be published – tick one of the following boxes:</b>			The report supporting the Decision contains confidential information		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:		<ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul>		<ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul>		<ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul>		<ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul>		<ul style="list-style-type: none"> <li>• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> </ul>
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		to make an order or direction under any enactment
		<ul style="list-style-type: none"> <li>• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul>
	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: <span style="color: red;">[insert]</span></p>	

**Officers**

Signed: *Lee Heley*

**Title:** Corporate Director, Place and Economy

27.09.2024

**In consultation with:**

Signed: *Richard Barratt*

**Section 151 Officer 27.09.2024**

Signed: *Lisa Hastings*

**Monitoring Officer 26.09.24**