
**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 15TH NOVEMBER, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors M E Stephenson (Leader of the Council & Portfolio Holder for Corporate Finance and Governance)(Chairman), I J Henderson (Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism), P Kotz (Portfolio Holder for Assets), G R Placey (Portfolio Holder for Partnerships), G G I Scott (Portfolio Holder for Arts, Culture & Heritage) (except items 77 and 86) and A Smith (Portfolio Holder for the Environment)

Group Leaders Present by Standing Invitation: Councillors J D Bray (Leader of the Reform UK Group), J B Chapman BEM (Leader of the Independent Group) and P B Honeywood (Leader of the Conservative Group) (except item 77)

In Attendance: Ian Davidson (Chief Executive), Lee Heley (Corporate Director (Place and Economy) & Deputy Chief Executive), Lisa Hastings (Director (Governance) & Monitoring Officer), Richard Barrett (Director (Finance and IT) & Section 151 Officer), Gary Guiver (Director (Planning & Communities)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Michael Cook (Licensing Manager)(except items 81 – 87) and Bethany Jones (Committee Services Officer)

69. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Andy Baker (the Portfolio Holder for Housing and Planning) and Mick Barry (the Portfolio Holder for Leisure & Public Realm).

70. 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 Monday 21 October 2024, be approved as a correct record and be signed by the Chairman.

71. DECLARATIONS OF INTEREST

Councillor Scott declared a Disclosable Pecuniary Interest in relation to Agenda Item 9 (Reference from the Licensing and Registration Committee – A.3 – Renewal of the statement of Licensing Policy (Gambling Act 2005)) insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District.

Councillor Scott further declared an Other Registrable Interest in relation to Agenda Item 18 (Report of the Partnerships Portfolio Holder – A.11 – Tendring District Council's

Careline Service Review: Results of Consultation and Next Steps) insofar he was the Chairman of the Autumn Centre and many of the clients at the Autumn Centre were also clients of Careline.

Councillor Scott also informed Cabinet that he would withdraw from the meeting at the appropriate junctures when reports A.3 and A.11 were considered.

Councillor Chapman BEM declared an Other Registrable Interest in relation to Agenda Item 18 (Report of the Partnerships Portfolio Holder – A.11 – Tendring District Council's Careline Service Review: Results of Consultation and Next Steps) insofar as her Mother was a customer of Careline.

Councillor P B Honeywood declared a Disclosable Pecuniary Interest in relation to Agenda Item 9 (Reference from the Licensing and Registration Committee – A.3 – Renewal of the statement of Licensing Policy (Gambling Act 2005)) insofar as he held a Gaming Licence for Clacton Constituency Conservative Association.

Councillor P B Honeywood further declared an Other Registrable Interest in relation to Agenda Item 18 (Report of the Partnerships Portfolio Holder – A.11 – Tendring District Council's Careline Service Review: Results of Consultation and Next Steps) insofar as a member of his family was a customer of Careline.

In response to a question raised by Councillor Honeywood in relation to Agenda Item 18, the Monitoring Officer (Lisa Hastings) stated that, as Councillors Chapman BEM and Honeywood were not Decision Makers on this matter, she was prepared to grant them both a Dispensation in order to allow them to remain in the meeting for that item.

72. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor M E Stephenson) informed Cabinet that he had been very pleased and inspired to attend the official completion event for the new Tendring District Council (TDC) housing development for the elderly at the former Honeycroft site in Lawford. Rose Builders, the contractors for TDC, had created 13 new single-storey senior living homes on the site of the former Honeycroft sheltered housing scheme in Waldegrave Way.

The Leader reiterated that this project was about enhancing residents' quality of life so they could live an independent and fulfilled life. The environmental sustainability of this scheme had been a key aspect of its success; TDC had implemented environmental features and innovative solutions that would benefit the environment, keep running costs low for the tenants who lived there, and set a standard for future projects. Those environmental features and innovations had included car parking with electric vehicle charging points; with bat and bird boxes and hedgehog holes; solar panels and water butts.

Councillor Stephenson referred to those residents who had moved out of the dated Honeycroft development in 2017, before it had been closed by the council in 2018 and then demolished in 2021 and TDC's commitment to those who had left the site that they would have the opportunity to move into the new homes. He was delighted to report that two former residents had already taken up that offer.

The Leader also paid tribute to the work that had been undertaken on this project by the previous Administration who had got it underway.

The Chief Executive (Ian Davidson) pointed out that this project had been completed on schedule and under-budget.

73. ANNOUNCEMENTS BY CABINET MEMBERS

IED Award for the Sunspot project at Jaywick Sands

The Economic Growth, Regeneration & Tourism Portfolio Holder (Councillor I J Henderson) made the following announcement:-

"I attended the Institute of Economic Development's (IED) Annual Conference and Awards held on 6 November 2024, accompanied by the Corporate Director (Place & Economy) & Deputy Chief Executive (Lee Heley) and the Economic Growth & Enterprise Manager (Barbara Pole). The IED is the UK's leading independent professional body representing economic development and regeneration practitioners working for local and regional communities.

During the day, there were a number of inspirational and informative talks which included some real insight into what other Authorities and organisations feel about the future of economic development and how we can tackle some of the challenges we are already facing and those that could be coming our way over the next few years.

At the Award Dinner we were announced as winners of the Social Champion of the Year for the Sunspot, Jaywick Sands project. IED said:-

'The judges highlighted the positive impact of this impressive project on the local community, and noted it effectively met community needs, resulting in improved perceptions, high occupancy rates, and business expansions. The initiative is recognised for addressing deprivation through collaboration, fostering hope and aspiration, and the submission demonstrated a pragmatic approach to overcoming local challenges, showcasing strong leadership. It has generated significant economic, social and environmental benefits, emphasising the close knit community in the area.'

Councillor Henderson also paid tribute to the enthusiasm, personal pride and dedicated hard work that Barbara Pole had displayed in bringing this project to a successful conclusion. Members present showed their appreciation for Barbara with a round of applause.

Crime and Disorder Reduction Strategy

The Partnerships Portfolio Holder (Councillor Placey) made the following announcement:-

"At its meeting on 21st October 2024, Cabinet formally received and noted the Monitoring Officer's report issued under Section 5A of the Local Government and Housing Act 1989 in respect of the position in relation to this Council's historic omission regarding the formulation and implementation of a Crime and Disorder Strategy for the Council, as required under Sections 5 and of the Crime and Disorder Act 1998.

I am providing an update as per recommendation (c) of that report, namely the proposed actions and timescales to resolve the historical omission to approve the Crime and Disorder Reduction Strategy at Full Council.

The timescale to address the above issue is as follows:-

November 2024 – To carry out a strategic assessment and to produce a draft assessment document.

December 2024 – To produce a draft Crime and Disorder Reduction Strategy.

January 2025 – To submit a draft report and Strategy to the Council's Management Team for its review.

February 2025 – The final Crime and Disorder Reduction report and Strategy to be submitted to Cabinet for its consideration.

March 2025 – The Crime and Disorder Reduction Strategy to be submitted to Full Council for its approval and formal adoption.

I would like to reassure Members that the Crime and Disorder Reduction Strategy will, in future, go to Full Council for approval. I would also like to assure Members that the failure to do so previously has not prevented the work we carry out with our partners from being progressed.

In addition to the statutory partners of Tendring District Council, Essex Police, Essex Fire & Rescue Service, the Probation Service and the North East Essex Integrated Care Board, the Community Safety Partnership also includes Community Voluntary Services Tendring and Citizens' Advice Tendring together with a number of other agencies.

This Partnership has delivered a number of projects, and if you bear with me, I will give some examples.

CARA (Centre for Action on Rape and Abuse) – is a support service for victims and survivors of sexual violence and child sexual abuse.

In 2023, 365 referrals from Tendring residents were received which included 58 young people aged 13 to 17 and 20 under the age of 12. CARA's services to clients include an ISVA (Independent Sexual Violence Advisor) who supports them through the criminal justice system and provides advocacy and emotional support. Our CSP funding, in line with Safer Essex, supported 200 therapy sessions.

Essex Police – Operation Esplanade

Operation Esplanade is a joint operation with Police and TDC Officers undertaking patrols in the peak summer holiday period, with the aim of tackling ASB and street drinking in Clacton Town Centre.

In 2023, (the then Operation Gingerbread), Essex Police and TDC completed 250 hours of dedicated foot patrols in Clacton Town Centre and during this time the PSPO powers were used over 40 times along with several arrests. 25 incidents of disorderly behaviour were attended to and 10 intelligence reports were made in relation to illegal drugs.

In 2024 (as Operation Esplanade), there have been over 200 hours of dedicated foot patrols in Clacton Town Centre at peak times every Friday, Saturday and Sunday. Powers under the PSPO have been used over 44 times during this period. This involved dispersing street drinkers, removing their alcohol and dealing with low level ASB incidents.

10 arrests were made in relation to public disorder and shoplifting.

20 Police intelligence reports were submitted and 12 stop and searches were undertaken.

During these periods over the last two years there has been a 65% reduction in ASB incidents reported in Clacton Town Centre.

Ask for Angela

This initiative aims to support individuals in 'Night Time Economy' venues who feel that they are being harassed, followed or receiving unwanted attention, by providing a safe phrase to use i.e. "Ask for Angela" that informs the venue that they would like help/support.

This is achieved by providing training to Night Time Economy venues to ensure that they understand what appropriate assistance is when someone feels like they are being harassed and they "Ask for Angela". Training has been provided to all pubs and clubs in Clacton on how to respond appropriately if someone "Asks for Angela" ensuring that the venue's staff will then be able to assist the individual and take them out the situation and to help them leave the establishment safely.

I look forward to bringing our Crime and Disorder Reduction Strategy to Full Council next year."

Tendring Junior Ambassador Project – Celebration Event

The Partnerships Portfolio Holder informed Cabinet that she had been thoroughly delighted and enthused to attend the recent celebration event held for the Tendring Junior Ambassador Project. Among the many highlights had been:-

*Walton Primary – Chinese Poetry and signs of the zodiacs;
Chase Lane Primary – Songs from Lion King;
Kirby Primary Academy & Tendring Primary – Bollywood Dance; and
Brightlingsea Primary – African Songs.*

Children in Need

The Partnerships Portfolio Holder reminded everyone that today was Children in Need Day.

74. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

75. **MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - PORTFOLIO HOLDERS' REVIEW OF PERFORMANCE AND MANAGEMENT OF PROJECTS UNDER THEIR RESPECTIVE PORTFOLIOS**

Cabinet was aware that the Resources and Services Overview and Scrutiny Committee ("the Committee") had, at its meeting held on 23 September 2024, considered a standing agenda item in respect of reviewing its work programme.

That report had included the Portfolio Holder for Housing and Planning's response to the Committee's recommendations that had arisen from the Committee's enquiry into the Spendells Project and an unauthorised expenditure of several hundreds of thousands of pounds, which had resulted in a report to the Cabinet on 24 May 2024 under section 5A of the Local Government and Housing Act 1989. That enquiry had taken place at the meeting of the Committee held on 22 July 2024.

The Housing and Planning Portfolio Holder's formal response (as endorsed by Cabinet on 20 September 2024) had been as follows:-

"I would like to begin by thanking the Committee for its consideration and recommendations.

As I have said on more than one occasion that the reasons for undertaking the Spendells project are never more valid. It will provide temporary accommodation for up to 30 families with children, a better place for them to be accommodated, than a hotel room, reducing the impact on both the children's education and the family's overall health.

This Council continues to face, as does the rest of the country, homelessness issues along with the provision of temporary accommodation, together with ongoing, and increasing, financial costs.

This project, even at an increased cost, remains the right thing to do.

An internal review is currently ongoing and we will understand in due course, fully, what has happened and what lessons there are to be learned.

Without seeking to deny the particular issues in relation to this project, particularly the unauthorised expenditure, it must be understood that all construction and major projects, such as this one, all carry inherent risks.

It is unfortunate that this project has had particular difficulties, but in line with the Committee's recommendations I am content to recommend to Cabinet that:

- a) *the Chief Executive's formal review, when completed, be reported to the Cabinet including:*
 - i) *a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;*
 - ii) *the lessons learnt;*
 - iii) *articulating a robust response and action plan for going forward;*

- b) Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response.”*

At its meeting held on 23 September 2024 the Committee had enquired whether the investigation into the Spendells project had been completed and Members had been advised that the investigation was still ongoing. The Committee had then discussed their concerns around not having a timescale for when the findings of the aforementioned project management reviews would be reported and that whilst there was not a timescale in place monies could still be being spent and potentially lost.

The Committee was advised that they could indicate a timeframe to Cabinet to receive those reviews. The Committee had then confirmed that it would like to receive an update on the review at its next meeting on 17th December 2024 and that the Committee wished to invite the Leader of the Council to discuss those reviews.

The Monitoring Officer had also provided assurance that, as promised at the Committee’s meeting in July 2024, the Statutory Officers, Ian Davidson, Richard Barrett and herself had delivered the session to senior managers on the strong instructions around expenditure on projects.

The Committee had RESOLVED to RECOMMEND to Cabinet that:-

- “(a) Portfolio Holders must ensure that their respective reviews, with their Corporate Directors, of the performance and project management of all existing projects within their respective portfolios must be completed in good time so that their findings together with such additional actions as the Leader wishes to undertake in response can be reported to the Resources and Services Overview and Scrutiny Committee at its meeting due to be held on 17 December 2024;*
- (b) it notes that the Leader of the Council will be invited to attend that meeting of the Committee to discuss the outcomes of those reviews.”*

Cabinet had before it the following response thereto from the Portfolio Holder for Housing and Planning:-

“As I have stated on more than one occasion I meet weekly with the Corporate Director (Operations and Delivery) along with the Director for Planning and Communities, to discuss the situation, at that time, of ongoing projects within the Housing and Planning Portfolios, along with many other issues.

Within the Housing Portfolio there are currently two major projects, one being the Honeycroft development of 13 bungalows in Lawford, and the other the refurbishment of Spendells House to temporary accommodation for families, which are both discussed at the weekly meetings, covering the progress, and finances of both. Having visited both sites recently, I can say that work is progressing very well, and although I have been informed of potential dates of opening, I would not want to commit to those publicly until they are a certainty.

As the Committee have been advised, there is a review of the Spendells project, which is still ongoing, and it would be wrong of me to comment on that process, which is being undertaken under the direction of the Chief Executive.

Once the conclusions, and any recommendations, of the review have been made available to both myself and Cabinet, I will be in a better position to identify what actions must be taken in relation to any similar projects that come forward."

The Leader of the Council thanked the Resources and Services Overview & Scrutiny Committee for all of their work on this matter.

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the response of the Portfolio Holder for Housing and Planning thereto:-

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

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Portfolio Holder responsible for Housing and Planning thereto be endorsed.

76. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.2 - FLY TIPPING AND MOBILE CCTV ENFORCEMENT

Cabinet was aware that the Resources and Services Overview and Scrutiny Committee ("the Committee") had, at its meeting held on 23 September 2024, considered a second final report from its Council's Enforcement Arrangements Task and Finish Group, which had been submitted following that Group's conclusion of its enquiry concerning fly tipping and mobile CCTV enforcement.

The Committee had RESOLVED to RECOMMEND to Cabinet that:-

- "(1) in order to develop a more holistic picture of the issues involved and the development of strategies to address them, in addition to highway fly-tipping incidents, records be kept and analysed for fly-tipping on other public land such as open spaces, public realm, Council assets, Beachfronts et cetera;*
- (2) further steps be undertaken to engage with volunteer litter picking groups to ensure there is greater awareness of the issues around taking waste from private property and of the steps taken by Officers to identify perpetrators of fly-tipping (and the need to preserve that evidence to ensure it can be used in action against perpetrators);*
- (3) it develop a similar approach to that of the London Borough of Redbridge with its online 'Wall of Shame' showing footage of fly-tipping with a view to encouraging understanding of the issue, the Council's efforts to address fly-tipping and to receive information on perpetrators;*
- (4) it encourage residents to supply their own footage, possibly through 'RING' (or other manufacturers) camera-door bells of fly-tipping captured by them;*
- (5) it inform Councillors that if they notice dog fouling, un-retrieved dog waste, they should inform the Council's Community Safety Team who can look at deployment of Ambassadors with a view to detecting the perpetrators and, in the issues*

- persist, to evidence a decision to deploy mobile CCTV cameras to address the problem;*
- (6) consideration be given to the deployment of a mobile 'phone application for reporting incidents of fly-tipping and other crimes such as dog fouling and graffiti similar to that in place in Cheshire West and Chester Council;*
 - (7) consider how best to support members of the public to find details of licensed waste carriers (after the UK Government has concluded its review of the online access to that data);*
 - (8) details of fly-tipping hot spots on the highway/public land in the District be circulated to Councillors together with the stepped approach to enforcement relevant to that hot spot site and that this should be alongside summary details of the deployment of mobile CCTV cameras as part of addressing environmental crimes such as fly-tipping;*
 - (9) the reasons for the non-deployment of a mains powered or a battery powered CCTV camera in the High Street, Clacton-on-Sea with a view to deterring and/or detecting fly-tipping at the junction with Beach Road be set out and addressed with the relevant decision makers.*
 - (10) on the basis that the Council's policies, procedures and codes in respect of CCTV are reviewed in this current calendar year, they be amended to provide that as and when CCTV cameras are to be purchased, or grant applications made to fund CCTV cameras, consideration be given to the relative benefit of those cameras having AI functionality that can be deployed and that for mobile CCTV cameras consideration should also be given to alternative acquisition options such as rental rather than purchase."*

Cabinet had before it the following response thereto from the Portfolio Holder for the Environment:-

"I note the recommendations of the Committee and thank them for work they have carried out.

I have been in discussion with the relevant service to explore the feasibility and resource implications of adopting the Committee's recommendations."

Cabinet had before it the following response thereto from the Portfolio Holder for Partnerships:-

"I also note the recommendations and thank the Committee.

I have raised the recommendations within the report with the relevant service. I am happy to explore the option to use AI functionality, where appropriate. I have asked the service to assess the impact of using AI on our existing policies and delivery of service."

Having duly considered the recommendations made by the Resources and Services Overview & Scrutiny Committee together with the responses of the Portfolio Holder for the Environment and the Portfolio Holder for Partnerships thereto:-

It was moved by Councillor Smith, seconded by Councillor Placey and:-

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the responses of the Portfolio Holder for the Environment and the Portfolio Holder for Partnerships thereto be endorsed.

77. **MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.3 - RENEWAL OF THE STATEMENT OF LICENSING POLICY (GAMBLING ACT 2005)**

Earlier on in the meeting, as reported under Minute 71 above:-

- (i) Councillor Scott had declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for North Essex Liberal Democrats within the District. Councillor Scott therefore withdrew from the meeting and left the room whilst this Cabinet deliberated on this matter and made its decision.
- (ii) Councillor P B Honeywood had likewise declared a Disclosable Pecuniary Interest in relation to this matter insofar as he held a Gaming Licence for the Clacton Constituency Conservative Association. Councillor Honeywood therefore also withdrew from the meeting and left the room whilst this Cabinet deliberated on this matter and made its decision.

Cabinet considered a reference report (A.3) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a revised Gambling Licensing Policy Statement.

Cabinet was informed that a draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation Gosschalks LLP, acting on behalf of the Betting and Gaming Council, had submitted a consultation response. As part of that response, Gosschalks had put forward amendments to paragraphs 15.11 and 24.2 of the Policy Statement.

It was reported that the draft Policy Statement had sought to set out how this Council (as the licensing authority) would regulate gambling activities within the District. Whilst for the majority of the general public, gambling was an enjoyable and often social experience, it was for some individuals a largely hidden addiction which taken to excess had an adverse impact on their finances, health, wellbeing and relationships. The wellbeing of its residents was a key priority for the Council and the Gambling Policy had a role to play in supporting this priority through its control of gambling premises. It was hoped that the new revised policy statement was clear and easily understood and would be of significant use to the Council, its partners and operators when considering gambling matters.

The Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 23 refers), had considered the matter again (including the response received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

“RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption.”

The Policy Statement referred to in the above decision of the Licensing and Registration Committee was set out as an Appendix to the reference report.

Cabinet had before it the following formal written response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

"I thank the Licensing and Registration Committee for its oversight of the development of this revised policy statement on behalf of the Council. It is important that we operate the Council's gambling licensing functions in a way that promotes the Gambling Act 2005's objectives of:

- *preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- *ensuring that gambling is conducted in a fair and open way*
- *protecting children and other vulnerable people from being harmed or exploited by gambling.*

I am pleased to be able to support the adoption of this revised policy statement and urge Cabinet to recommend this to Full Council."

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

RESOLVED that Cabinet recommends to Full Council that the Gambling Licensing Policy Statement be adopted.

78. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.4 - ADOPTION OF A REVISED LICENSING ENFORCEMENT AND INSPECTION POLICY 2024-2028

Cabinet considered a reference report (A.4) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Licensing Enforcement and Inspection Policy 2024 – 2028.

Cabinet was informed that a draft Policy had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation two members of the public had sent in responses to that consultation. Their comments were as follows:-

- *"The policy itself is fine - but without effective enforcement it is just empty words. In my experience, TDC's enforcement, whether in relation to illegal traders or bylaws is*

woeful. Unless your enforcement capability is seriously improved, no amount of policy wording will make any difference”.

- *“We must acknowledge the income licenced premises bring to the locality however they must adhere to licencing rules to protect the community and the most vulnerable persons in the locality”.*

It was reported that the draft Policy sought to set out how this Council (as the licensing authority) would implement a consistent and staged approach to compliance and enforcement matters which would assist Officers when engaged in any enforcement process. This would lead to more robust and defensible decisions in relation to action concerning breaches of the legislation, conditions and unlicensed traders. In adopting a compliance and enforcement policy, the Courts would understand the rationale and reasons behind Officers’ actions where public / customer safety was at serious risk the Council would act swiftly and robustly.

The Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 23 referred), had considered the matter again (including the above mentioned responses received during the consultation). The Head of Democratic Services & Elections had informed the Committee that the first comment referred to the Council’s resource allocation which was not within the Policy but would be kept under review. In relation to the second comment this referred to the need for balance and the Head of Democratic Services & Elections confirmed that the Policy was intended to apply a balancing act between proportional enforcement action and the public good.

Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

“RESOLVED that –

- (a) the revised draft Licensing Enforcement and Inspection Policy be recommended to Cabinet for its formal adoption; and*
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy in order to ensure that it reflected the operational positions of the Council and legislative / case law relevant to the Policy.”*

The Policy referred to in the above decision of the Licensing and Registration Committee was set out as an Appendix to the reference report.

Cabinet had before it the following formal written response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council’s approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council’s Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

“I welcome the submission of this revised Policy. It supports the commitment we gave in the Corporate Plan 2024-28 to support pride in our area and services to residents. Regulatory systems only work properly when enforcement powers are used proportionately and responsibly to protect the public and consumers. This Policy sets out the approach to be taken in Licensing to achieve this. It builds on the programme of

routine inspections agreed by the Licensing and Registration Committee through which we take a pro-active approach to checking compliance. I formally invite Cabinet to approve this Policy.”

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

RESOLVED that the Licensing Enforcement and Inspection Policy 2024 - 2028 be adopted.

79. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.5 - ADOPTION OF A SEX ESTABLISHMENT POLICY

Cabinet considered a reference report (A.5) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Sex Establishment Policy.

Cabinet was informed that a draft Policy had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation one member of the public had sent in a response to that consultation. Their comments were as follows:-

“Although, there are only one such premises within the locality it is essential that the policy framework exists to ensure should there be an increase in such venues wishing to establish themselves that the local authority has the tools available to ensure adherence to their rules and to maintain the King's peace without causing intentional outrages of public decency. On the other hand, there must also be provision made to ensure the welfare of those employed in these premises to protect them from any abuses from employers due to the taboo nature of sex establishments”.

It was reported that the draft Policy sought to set out how this Council (as the licensing authority) would approach to regulating sex establishments and the procedures it would adopt in relation to applications for sex establishment licences.

This Council's Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 22 referred), had considered the matter again (including the above mentioned responses received during the consultation). The Licensing Manager had informed the Committee that the above mentioned response was a generalised comment that did not require any amendment to the Policy as presented. A Member and the Head of Democratic Services & Elections had highlighted a small number of formatting errors and a textual amendment.

Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee's decision had been as follows:-

“RESOLVED that –

- (a) the Committee recommends to Cabinet that the revised draft Sex Establishment Policy, as attached to this report (A.2) but subject to the amendments highlighted at the meeting, be adopted; and*
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy.”*

The Policy referred to in the above decision of the Licensing and Registration Committee was set out as an Appendix to the reference report.

Cabinet had before it the following formal written response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

“It is right and proper that District Councils can represent the communities we serve and apply appropriate controls on the location and operation of any sex shops, sex cinemas and sexual entertainment venues. In Tendring we have a single established Sex Shop. However, through this renewed Policy we would be prepared if others wanted to open such shops, cinemas or venues elsewhere in the District. This means we can carefully consider the impact proposals may have on the locality and the protections for those potentially working at those businesses. On the basis of being prepared for any such applications, I urge Cabinet to approve the Policy as submitted.”

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

RESOLVED that the Sex Establishment Policy be adopted.

80. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.6 - ADOPTION OF A PAVEMENT LICENSING POLICY

Cabinet considered a reference report (A.6) which enabled it to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Pavement Licensing Policy.

Cabinet was informed that a draft Policy had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024.

In response to that consultation five members of the public, two businesses, one Town Council and one Responsible Authority (ECC Highways) had sent in responses to that consultation.

It was reported that the draft Policy sought to set out how this Council (as the licensing authority) would carry out the new pavement licensing regime which would include advice, administration, compliance and enforcement.

The Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 24 referred), had considered the matter again (including the above mentioned responses received during the consultation). The Head of Democratic Services & Elections had drawn the Committee’s attention to those responses and that several suggestions had been incorporated into the Policy, now presented.

Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee’s decision had been as follows:-

“RESOLVED that –

- (a) the Committee recommends the Pavement Licensing Policy, as attached as Appendix A to the report (A.4), to Cabinet for its formal adoption; and*
- (b) once the Policy is formally adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to the Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy.”*

The Policy referred to in the above decision of the Licensing and Registration Committee was set out as an Appendix to the reference report.

Cabinet had before it the following formal written response submitted by the Housing and Planning Portfolio Holder. Under the Leader of the Council’s approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council’s Constitution, the Portfolio Holder for Housing and Planning was the designated Executive Member for overseeing licensing policy matters.

“As with all of the Policies submitted for approval at Cabinet today, I wish to congratulate the Licensing and Registration Committee for ensuring the policies of the Council in this service area are kept under review and refreshed as a consequence. In this case, we have had temporary measures introduced as part of the post-Covid-19 build back response and those measures have now been made permanent. With the obvious need to allow clear access routes for the public to use, this pavement licensing regime allows cafes, restaurants, and bars to secure a licence to place furniture on the highway.

The policy now submitted sets out the Council’s approach to the administration of the licensing function and I commend it to Cabinet.”

Having duly considered the recommendation made by the Licensing and Registration Committee, together with the formal response thereto submitted by the Housing and Planning Portfolio Holder (as the designated Executive Member for overseeing licensing policy matters):-

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

RESOLVED that the Pavement Licensing Policy be adopted.

81. LEADER OF THE COUNCIL'S ITEMS

The Leader of the Council (Councillor M E Stephenson) read out the following statement:-

“On 24 October 2024 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 termination of the ‘YourStride’ Careline Contract and was as follows:-

“That:

- (a) the Leader of the Council [i.e. me] in exercising their authority and following consultation with the Section 151 and Monitoring Officers, makes an urgent decision, to authorise immediate notice being served on AE Partners Ltd giving 16 weeks prior notification to terminate the Supply of Services Agreement between them and the Council;*
- (b) the Directors for Governance and of Planning and Communities be authorised to take the necessary administrative steps to enable this decision to be implemented as soon as possible and without further delay to the Council; and*
- (c) notification of such decision will be reported to Members accordingly.”*

My reasons for taking that urgent decision were recorded in Part B but in the public interest, the Monitoring Officer has summarised some of the details in the section in the Careline Report on pages 337 & 338 of this Agenda.

I decided that measures needed to be put in place to serve notice to permanently terminate the Contract, giving the Customer (AE Partners Ltd) 16-weeks’ notice in accordance with the termination provisions as set out within clause 46 of the Contract.

Details of my urgent decision will also be publicly reported to Members at the meeting of the Full Council that is due to take place on Tuesday 26th November 2024.

That concludes my statement on this matter.”

82. CABINET MEMBERS' ITEMS - REPORT OF THE ASSETS PORTFOLIO HOLDER - A.7 - SOCIAL VALUE POLICY - ESSEX PROCUREMENT PARTNERSHIP

Cabinet considered a detailed report of the Assets Portfolio Holder (A.7) which presented for approval a Social Value Policy to demonstrate how the Council would deliver corporate priorities by achieving social value through procurement ensuring the

additional benefit to the community which the Council could derive, over and above the direct purchasing of goods, services and outcomes, where those quality criteria were relevant and proportionate to the subject matter of the contract and non-discriminatory.

The Portfolio Holder had put forward that implementing a Social Value Policy would elevate social value from a procurement process to an organisation-wide policy. Organisation-wide ownership of social value, would encourage each project owner across the Authority to consider how they could achieve priority objectives in the Corporate Plan, thereby ensuring they made a commercial contribution in line with the Local Government Act 1988. For example, a project manager in Directorate A could enable local jobs and skills opportunities, thereby delivering on corporate objectives in Directorate B.

The Policy would also enable this Council to set out a framework for:

- ensuring the social value measures the Council used aligned to the Corporate Plan and how changes to Social Value Themes, Outcomes and Priorities were made; and
- how changes to the specific measures listed in the TOMs Calculator were made where they delivered Outcomes agreed by the Cabinet. Each Measure sat under one of the agreed Social Value Outcomes.

This option had been recommended because it met best practice principles of publishing an organisation-wide Social Value Policy and it would enable the Council to adopt the TOMs Calculator efficiently to harness specific opportunities to deliver on corporate objectives (but only where they delivered on the outcomes already agreed by the Cabinet).

Whilst Social Value could apply with any value of contract, there was an operational cost to preparing and scoring the evaluation model. Therefore, the Assets Portfolio Holder had proposed that the Council would normally only require social value to be considered when it was procuring a contract with a value of over £100,000.

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

RESOLVED that Cabinet -

- (a) approves the Social Value Policy, as set out in Appendix A to item A.7 of the Report of the Assets Portfolio Holder, for recommendation onto Full Council for adoption;
- (b) authorises the Portfolio Holder for Assets (with responsibility for procurement) to approve changes to the list of Social Value Measures in the TOMs Calculator, where those measures deliver on the Outcomes agreed by Cabinet;
- (c) authorises the Director (Governance) (with responsibility for procurement) to approve the removal of TOMs measures for specific procurements, in order to meet the Public Contracts Regulations requirements for relevance, proportionality to the subject matter of the contract and non-discrimination; and
- (d) endorses an annual social value statement to reaffirm their goals to suppliers and measuring social value progress.

83. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.8 - FINANCIAL PERFORMANCE REPORT 2024/25: GENERAL UPDATE AS AT THE END OF SEPTEMBER 2024

Cabinet considered a detailed report of the Corporate Finance and Governance Portfolio Holder (A.8), which provided it with a general update and overview of the Council's financial position against the 2024/25 budget as at the end of September 2024 and looking ahead to 2025/26 and beyond.

SECTION 1 - In respect of the in-year financial position at the end of September 2024:

It was reported that the position to the end of September 2024, as set out in more detail within the appendices, showed that overall, the General Fund Revenue Account was overspent against the profiled budget by £0.724m (£0.480m at the end of July 2024). However, it was important to highlight that this position continued to primarily reflect the timing of when the Government reimbursed the Council for the cost of meeting housing benefit claims and Parliamentary Election expenses incurred earlier in the year.

Appendix 1H set out a number of unavoidable cost pressures or where a timely opportunity for investment / expenditure had arisen. The cost of responding to homelessness within the District continued to present a significant financial challenge with £1.200m proposed to be set aside to support the estimated additional costs for the year. It was also proposed to request a more detailed report on the associated challenges faced by the homelessness service for consideration at a future meeting of Cabinet.

Appendix 1H also set out a proposed sum of £0.040m to explore collaborative opportunities with the Council's partners with an associated recommendation included below.

It was acknowledged that other expenditure or income trends might still emerge / develop over the remainder of the year, which would be included in future financial performance reports as necessary.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the report, there were no other major issues that had been identified to date.

The Portfolio Holder's recommendations also proposed delegations to enable the flexible use of funding previously set aside to support the development of the Council's Project Delivery Unit along with a contribution to ECC for procurement support.

SECTION 2 - In respect of the updated long-term financial forecast:

It was reported that the forecast had been reviewed and updated at the end of September 2024 and was set out in Appendix 2A. It continued to reflect the very challenging financial position faced by Local Authorities, which included on-going inflationary pressures along with the recently announced increase in employer's national insurance rates from April 2025.

As highlighted in an earlier report, the forecast period had been extended out to 2033/34 in order to support the Council in managing its budget sustainability and to support financial resilience over a longer term period. Although further information was set out in Section 2 of this report, including the potential impact from the Government's recent Autumn Budget Statement, there remained some tough decisions ahead. It would therefore remain important that the on-going development of the forecast was based on

engagement with as many stakeholders as possible, including Members and residents to support the Council in balancing the provision of services with the need to deliver long-term financial sustainability.

Work remained ongoing within Departments and with Portfolio Holders to identify the longer-term impact of issues emerging to date, along with remaining sighted on potential future cost pressures. With this in mind, it was important to highlight that the long-term forecast did not currently reflect the potential increase in costs expected from the retender of the Council's waste, recycling and street cleansing contract. This could place a significant level of additional financial burden on the financial forecast.

However, the long-term approach, alongside the Forecast Risk Fund remained a key element of providing additional flexibility and time to make better-informed decisions. Significant on-going savings were still required, with the latest iteration of the Council's savings plan set out in Appendix 2B. There had only been one change from the plan reported to Cabinet in October 2024, which reflected the Government's commitment to 'protect' the local government sector that had been set out within their recent Autumn Budget Statement, which had resulted in additional grant income now being expected when compared to earlier forecasts.

It was important to highlight that the savings did not necessarily have to accrue from 1 April 2025, given the flexibility provided by the Forecast Risk Fund, but the earlier they could be delivered would be helpful in terms of supporting the later years of the plan.

A structural budget deficit was forecast to remain across the forecast period, even after the delivery of the savings mentioned earlier. This presented further significant challenges as this had to be addressed via the identification of additional on-going savings across later years of the forecast. As set out in the forecast, this remained the case until such time as the Council delivered an underlying annual balanced budget. In terms of this latter point, the forecast continued to show that the level of inflation, especially pay inflation, outstripped the estimated level of forecast increases in income from council tax and business rates, which was clearly not sustainable without significant 'corrections' to the budget in future years.

The above remained subject to any intervention from the Government, who had signalled its intention to reform the local government funding system after 2025/26 and would carry out a broader redistribution of funding to better reflect local need (previously known as Fair Funding) through a multi-year settlement from 2026/27.

The challenges faced by the Housing Revenue Account were also significant and included increased expectations and requirements that continued to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business Plan would be developed over the coming weeks alongside a review of the announcements included within the Government's recent Autumn Budget Statement, with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

In order to set out the latest financial position for the Council and to respond to emerging issues in 2024/25 and to develop the budget and long-term forecast from 2025/26:-

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

RESOLVED that Cabinet:-

- (a) notes the Council's in-year financial position at the end September 2024;
- (b) approves the proposed adjustments to the 2024/25 budget, as set out in Appendix 1H and requests Officers to review the potential on-going impact in 2025/26 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;
- (c) in respect of the additional sum of £0.040m made available to support North Essex Councils collaborative activities and Joint Health Post with Health Partners that is set out in Appendix 1H, authorises the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance and the Portfolio Holder for Partnerships, to utilise this funding to support any associated work;
- (d) in respect of the additional £1.200m set aside to support the cost of homelessness, requests Officers to present a report to a future meeting of Cabinet setting out further details relating to the current challenges faced by the Council along with potential actions / proposed activities to support the Council going forwards;
- (e) in respect of the Project Delivery Unit budget:
 - (i) authorises the Director for Governance and the Director for Finance & IT, in consultation with the Corporate Director (Place and Economy), to enter into an agreement with Essex County Council (ECC) to increase existing procurement capacity for Tendring District Council;
 - (ii) agrees a sum of up to the value of £120,000 over two years from the associated approved budget to fund the additional procurement capacity from ECC;
 - (iii) authorises the Chief Executive, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment.
- (f) notes the updated financial forecast set out in this report and requests Officers, in consultation with Portfolio Holders, to further develop the financial forecast proposals alongside the development of the Council's priorities; and
- (g) invites the views of the Resources and Service Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.

84. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.9 - LCTS & COUNCIL TAX DISCOUNTS/PREMIUMS: LOCAL BUSINESS RATES RELIEF SCHEME AND MRP POLICY STATEMENT

Cabinet considered a detailed joint report of the Housing and Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder (A.9), which enabled Cabinet to consider and agree for recommending to Full Council the following:-

- Local Council Tax Support Scheme 2025/26;
- Exceptional Hardship Policy;
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26; and
- Annual MRP Policy Statement for 2025/26.

Having conducted the annual review of the above matters, the Portfolio Holders had proposed to Cabinet:-

- (i) in terms of the LCTS, to continue with the principle of providing financial stability wherever possible to Tendring claimants;
- (ii) to keep the 2025/26 LCTS scheme the same as for 2024/25, which provided for a maximum discount of 80% for working age claimants;
- (iii) to not make any changes to the associated hardship policy apart from recognising that council tax payable on second homes / empty properties was not eligible for support;
- (iv) to not make any changes for 2025/26 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care);
- (v) to not make any changes in respect of existing council tax premiums on long-term empty properties;
- (vi) to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes');
- (vii) to note that central Government have introduced a number of exceptions where the council tax premium on long term empty properties and/or second homes is not chargeable; and
- (viii) to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2025/26 other than minor amendments to reflect revised Guidance.

Cabinet was informed that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council in November 2024, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

Given the recommendation to continue with the existing LCTS scheme, it was not proposed to formally refer it for scrutiny to the Resources and Services Overview and Scrutiny Committee, on the grounds that it would be considered by Full Council on 26 November 2024.

In order to proceed towards the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement:-

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

RESOLVED that Cabinet agrees that -

-
- (a) the LCTS scheme for 2025/26 remains the same as the current year (2024/25);
 - (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and
 - (c) the discretionary Council Tax exemptions, discounts and premiums for 2025/26 be as set out in the appendices to the Portfolio Holders' joint report.

RECOMMENDED TO COUNCIL that –

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;
- (vii) the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix F, be approved.

85. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT PORTFOLIO HOLDER - A.10 - CLIMATE CHANGE ACTION PLAN 2024/27

Cabinet considered a detailed report of the Environment Portfolio Holder (A.10) which enabled Cabinet to determine its recommendation to Full Council with a proposal of amending the Council's current policy target to achieve net zero carbon in scope one and two emissions from 2030 to the Government's target date, currently 2050, to allow for more financially sustainable investment to meet the target.

The report set out the proposed Climate Action Plan for 2024-27, as set out in Appendix A, subject to Cabinet's endorsement, to deliver against the new target, following Full Council's approval.

Cabinet also noted that an action within Appendix A, was for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

The Environment Portfolio Holder proposed that the Council aligned its target date for scope one and two emissions to reach net zero to the Government's national target date, currently set at 2050, because this Council could not financially sustainably become net zero by 2030. This change was considered a realistic, value for money approach to responding to climate change. Aligning with the national target meant that the Government policy, regulation and funding required to meet net zero would be brought forward to enable the country, and so this Council, to meet what remained a challenging ambition by 2050.

Cabinet was made aware that the Government would need to regulate to meet the 2050 target, and as it did so new statutory responsibilities for the Council would come with new burdens funding to deliver them. Over time it was expected that innovations in technology would make improvements in carbon reductions better value for money, more locally available (in terms of supply and maintenance), and more realistic in terms of delivery. The national target date of 2050 was therefore recommended by the Environment Portfolio Holder.

It was moved by Councillor Smith, seconded by Councillor Scott and:-

RESOLVED that Cabinet -

- a) notes the contents of the Environment Portfolio Holder's report (A.10) and in particular the development of a draft Climate Change Action Plan, as set out in Appendix A for 2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;
- b) recommends to Full Council that –
 - i) the Council's Policy Framework (within Article 4 of the Constitution)) be amended to "Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive";
 - ii) in recognition that at a national level the UK Government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050 and based on the Council's resources, the Council's new target for achieving Net Zero carbon emissions be aligned with the UK's national objectives to achieve Net Zero, by 2050; and
 - iii) Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.
- c) subject to Full Council approving the revised Net Zero target, the new Climate Change Action Plan for 2024-2027 be adopted via an executive decision being made by the Portfolio Holder for the Environment; and
- d) notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.

86. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.11 - TENDRING DISTRICT COUNCIL'S CARELINE SERVICE REVIEW: RESULTS OF CONSULTATION AND NEXT STEPS

Earlier on in the meeting as reported under Minute 71 above:-

- (i) Councillor Scott had declared an Other Registrable Interest in relation this item insofar he was the Chairman of the Autumn Centre and many of the clients at the Autumn Centre were also clients of Careline. Councillor Scott therefore withdrew from the meeting and left the room whilst the Cabinet deliberated on this matter and made its decision.
- (ii) Councillor Chapman BEM had declared an Other Registrable Interest in relation to this matter insofar as her Mother was a customer of Careline.
- (iii) Councillor P B Honeywood had declared an Other Registrable Interest in relation to this matter insofar as a member of his family was a customer of Careline.
- (iv) In response to a question raised by Councillor Honeywood, the Monitoring Officer (Lisa Hastings) had stated that, as Councillors Chapman BEM and Honeywood were not Decision Makers on this matter, she was prepared to grant them both a Dispensation in order to allow them to remain in the meeting for this item.

Cabinet considered a detailed report of the Partnerships Portfolio Holder (A.11), which reported to Cabinet the results of the recent consultation on the future of the Council's Careline service; and which sought its decision as to how it wished to proceed in the light of those consultation results and other updated information. The report also recommended, as a variance to the Cabinet's currently adopted preferred option, that the Council explored further the response received from Colchester City Council as part of the North East Essex Health and Wellbeing Alliance as to whether to create a combined telecare service that aligned with the Alliance's aims and objectives for an integrated health-system approach.

Members recalled that the Careline service had been established in 1987 and provided monitoring and response/lifting for approximately 1,859 service users in Tendring, including sheltered housing residents. Continuing the core Careline service required significant investment, creating cost pressures amid budget constraints. The findings of a 12-month review of the service had been reported to Cabinet on 26 July 2024 along with five potential options for the future of Careline, including information on their financial, equality and other implications.

Those options were summarised as follows:

- **Option 1** – Maintain current position (*remain in the market, which would require on-going financial support*);
- **Option 2** – Provide an Out-of-Hours Council service only (*leave the market, focussing on the Council's core business and ceasing telecare and response/lifting*);
- **Option 3** – Reduce shift pattern to 6 hourly shifts (*remain in the market, staffing changes required, which would require on-going, additional financial support*);
- **Option 4** – Remove the responder/lifting service (*remain in the market, removal of one element of the service, which would require on-going, additional financial support*); and

- **Option 5** – Termination of third-party contracts (*remain in the market and service Tendring District Council residents only via the Careline scheme, which would require on-going, additional financial support*) and cessation of the TSA accreditation.

At that July 2024 meeting, Cabinet had agreed, in principle, the adoption of Option 2 as its preferred option – i.e. ceasing telecare and lifting/response services, focusing solely on Out-of-Hours and CCTV services. An extra £300,000 had been allocated to support service users transitioning to alternative provisions, along with a further £446,000 to support other potential one-off costs.

In order to properly address the Council's duties around best value for its residents, a consultation exercise had then been carried out to invite feedback from customers, residents and other key stakeholders including organisations that the Council provided services to under contracts. Consultation had also been carried out with TDC staff impacted by the potential changes, albeit acknowledging that a final decision on the future of the service had yet to be made.

That six-week consultation exercise had been carried out between 19 August and 30 September 2024. As part of the consultation process, almost 4,000 letters had been issued to the circa 2,000 Careline service users and their next of kin, each with a unique customer number with the aim of tracking responses and guarding against the possibility of double-counting. A separate communication to Sheltered Housing Scheme residents had provided assurances that their 24-hour emergency assistance would remain unchanged at this time.

It was reported that 1,062 submissions had been received in response to the consultation, which had been considered a good level of response from which reliable feedback could be gauged. Some of the notable messages coming back through the consultation responses were summarised as follows:-

Of the 1,062 responses:-

- 589 were from Careline users (56%);
- 395 were from friends or family of users (37%); and
- 78 were from the public or others (7%).

In respect of future options for the Careline service, 72% (the clear majority) of respondents stated a preference for Option 1; with 10% preferring Option 2; 6% preferring Option 3; 7% preferring Option 4 and 5% preferring Option 5. This had indicated a clear preference amongst service users and their next of kin for maintaining Careline in its current form. However to do so would, as had been explained in the July 2024 Cabinet Report, require considerable ongoing financial support from the Council with competing calls on its resources.

Cabinet was informed that service users had been asked if they would be prepared to pay an increased fee for a telecare only service. 48% of respondents had said that they would be prepared to pay more, but the levels of increase being suggested as being acceptable by those respondents would not, on current analysis, be sufficient to eliminate the current projected shortfall in revenue. An increase in fees, as indicated, would also result in Tendring District Council charging customers at a rate above current market levels thus not offering best value for money. With 48% of respondents indicating a willingness to pay increased fees, it followed that 52% of customers would

not be prepared to pay an increase and would potentially seek alternative provision if fee increases were introduced.

With the Cabinet's preferred Option 2 in mind, 60% of the service users that had responded to the consultation indicated that they would, if necessary, be willing to move to an alternative trusted provider but 80% of those had stated that they would want assistance with that process to make the best decision.

Members were made aware that, both during and following the consultation exercise, there had also been some contact from third party organisations either expressing an interest in potentially taking on all or part(s) of the Careline Service or otherwise inviting discussion about how a service could be delivered in an alternative way through partnerships or other means.

There had also been early discussions following the response to the consultation, and acknowledging the Council's role as a partner to the North East Essex Health and Wellbeing Alliance, to explore the potential to work with Colchester City Council, through its trading company Colchester Commercial (Holdings) Ltd, on their proposal to establish one combined telecare service to serve the whole of the North East Essex area. This option could support the Alliance's objectives for an integrated health-system approach that worked in harmony with NHS health provision and the emergency services. This option might offer a potentially positive and direct response to the consultation feedback – particularly in light of the strong preference from service users to retain a Careline Service, albeit with a limited appetite to pay higher fees; some willingness to transfer to an alternative trusted provider; and a clear request to provide support to service users through any transition.

However, the detail of this opportunity would need to be explored to establish if it could offer the proposed potential benefits in terms of continuity, security and value for money for existing Careline users; retention of job opportunities for staff under local authority terms and conditions; and the achievement of economies of scale that could address current concerns around the budget and Tendring residents having to subsidise the Careline service. It was important to stress that with any proposed joint working, the implications of the proposed delivery model must be properly assessed in order to establish whether this was a viable option. It was therefore recommended by the Portfolio Holder that additional time be incorporated into the timetable for exploring this opportunity in more detail, along with other third-party proposals, before Cabinet committed to implementing a preferred approach.

Alongside carrying out the consultation exercise, Officers had also continued to review, in further depth, a number of the contracts that Careline had in place for the provision of services to external bodies. On further consideration and with the approval of the Leader of the Council on 24 October 2024 it had been decided to serve notice to terminate the largest of the Careline contracts – i.e. that with AE Partners Ltd (YourStride).

As a consequence of that contract coming to an end in February 2025, it was necessary to revisit a number of the financial assumptions in terms of the options highlighted above, in order to provide the most up to date position, with the aim of presenting those to Cabinet in early 2025 before any final decisions on the future of Careline were taken. The revised assumptions were still expected to demonstrate that all options, apart from preferred Option 2, would still require ongoing budgetary support and subsidy.

Currently, Option 2 remained the preferred option pending further consideration of the financial and other implications as well as the results of the consultation. However, as a variation on that preferred option, it was also proposed that more time was incorporated into the overall programme for completing the review of Careline to allow for the full and proper exploration of the proposals described above and elsewhere in the Portfolio Holder's report.

Given the significant impact of third-party contracts on resources and the budgetary position of Careline (as demonstrated through the urgent decision to terminate the YourStride contract), it was also proposed that Officers be authorised to continue reviewing other existing third-party contracts and, where necessary, proceed to vary or terminate them accordingly before, and without prejudice to, any final decision of Cabinet as to the future of Careline.

It was proposed that the preferred Option 2 be revisited in early 2025 for Cabinet to make its final decision and that, at this stage, the previously suggested date for implementation be adjusted from the end of March 2024 to the end of June 2025. Although there might be some savings secured through the termination of the YourStride contract and review of other third party contracts, it was likely that there would be an additional cost from this change in timescales which would need to be considered alongside the exploration of the collaborative working with partners highlighted earlier. It was therefore difficult to provide an expected cost at this stage, which would therefore need to be reviewed as part of the planned report in February 2025.

Option 2 (or the potential variation) provided that any remaining service at Tendring would focus solely on the Council's Out-of-Hours and CCTV services. Officers had been carrying out further exploration of different ways in which an out-of-hours service could continue to be provided by the Council across different permutations of retaining the operation in house, outsourcing and/or redistributing duties across different services. The approach to be taken, having particular regard for the Council's statutory duties to provide telecare services for its sheltered housing tenants, would be an operational matter for Officers to conclude following further analysis and the final strategic decision from the Cabinet on the future of Careline.

In the light of the fact that feedback from the recent customer, public and stakeholder consultation had presented alternative approaches that warranted more detailed and proper consideration and additional time incorporated into the programme and next steps in order for that consideration to take place and given that it was also necessary to factor in the full implication of terminating the YourStride contract when carrying out that further work along with any changes that might need to be made to other third-party contracts:-

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

RESOLVED that Cabinet -

- (a) notes the outcome of, and feedback from, the recent customer, resident and stakeholder consultation on the future of Tendring Careline – that was based upon balancing best value principles with the needs of our existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue supplying the service for;

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- (b) notes the decision to terminate the third-party contract with AE Partners Ltd (YourStride) which, irrespective of the Cabinet's resolution in respect of (d) below, will reduce the pressure on the capacity of Tendring Careline – which, for some months, has been dealing with a growing and increasingly unmanageable volume of calls from residents outside of Tendring; and bring about a cost saving to the Council;
 - (c) authorises the Director of Planning and Communities, in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to review and if necessary, vary or terminate other third-party contracts at suitable timely junctures as part of the move towards the fulfilment of any final preferred approach;
 - (d) confirms that, having considered the contents of this report, it still wishes to continue, in principle, with the preferred option (Option 2) of ceasing the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts with remaining service provision solely relating to the Council's Out-of-Hours and CCTV service – albeit subject to (e) below;
 - (e) authorises the Director of Planning and Community, in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to explore further the third-party proposals that were submitted to the Council through the consultation;
 - (f) subject to (e) above, requests that third parties be invited to put forward a formal detailed proposal for further exploration within one month of this decision (i.e. by close of business on Monday 16th December 2024) as the starting point for Tendring District Council's consideration;
 - (g) requests that the Portfolio Holder for Partnerships reports to Cabinet in February 2025 to provide an update on the opportunity explored in line with (e) above in respect of the third-party proposals, as well as an updated recommendation for a final Cabinet decision on the future of Careline informed by updated financial analysis and with a detailed transition plan;
 - (h) subject to (g) above, acknowledges that there may be additional costs arising from the change in timescales set out in this report, and requests that the financial impact is included within the report to Cabinet in February 2025; and
 - (i) authorises the Director of Planning and Community in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to assess different options for the continued provision of the Out-of-Hours and CCTV service and to implement any necessary changes, as necessary, following the Cabinet's final decision on the future of Careline.

87. MANAGEMENT TEAM ITEMS

There were no matters referred to the Cabinet by the Council's Management Team on this occasion.

The Meeting was declared closed at 11.48 am

Chairman