

COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

17 JUNE 2025

REPORT OF THE CHIEF EXECUTIVE

A.1 COMMUNITY GOVERNANCE REVIEW OF CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report confirms the position in respect of the approved community governance review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands and that the review will commence on 1 July 2025. In relation to the review, the report sets out the decision of Council on 26 November 2024 (Minute 75 refers) for the review to proceed and the activities that have taken place in preparation for the review commencing. The views of the Committee in respect of the revised draft Terms of Reference for the review are invited. The Committee is also invited to set dates for it to meet in October 2025 and March 2026 in order to then oversee the outcome of the first stage of consultation, development of options/recommendations and (at the end of the second phase of consultation) to set out proposals for Full Council to consider in spring 2026.

SCOPE - THE AIMS AND OBJECTIVES OF THE REPORT

This report sets out the approach to the approved community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands to commence on 1 July 2025. Critical to this review is the Terms of Reference for it. A draft Terms of Reference were considered by Council on 26 November 2024 (Minute 75 refers) and, by virtue of the delegation provided to the Chief executive, those have been revised and are set out at Appendix A. It is intended to publish the final Terms of Reference on 1 July 2025 to trigger the formal commencement of the community governance review.

INVITEES

No external invitees are involved in respect of this report.

BACKGROUND

By way of background to this report, the Committee is reminded of the following motion approved at its meeting on 17 September 2024 (Minute 50 refers):

“That Full Council -

(1) notes that:

- a. Parish and Town Councils are an established and valued form of local democracy with an important role to play in both rural, and urban, areas.*
- b. the District currently has 27 Town and Parish Councils with a cumulative electorate of almost 75,000 and that Clacton-on-Sea, Holland-on-Sea and Jaywick are not currently parished and the cumulative electorate for those areas is almost 45,000. As such, about 62% of residents have one of 27 Town and Parish Councils to represent them*

and their interests at a very local level. 38% of the District's residents do not have that representation.

- c. between 1891 and 1974, Great Clacton (later renamed Clacton as it also covered Clacton-on-Sea) had its own specific tier of local government, and the area of this tier of local government was expanded in 1934 to take in the then former parish of Little Holland (later renamed Holland-on-Sea).
- d. since 1974, with the abolition of Clacton Urban District Council and creation of this District Council, there has been no distinct Local Council representation for specifically Clacton-on-Sea, Holland-on-Sea and Jaywick.
- e. it has been more than 25 years since the electors of Jaywick Sands last had the chance to express their view on the issue of a parish for that Town.
- f. the nature/responsibilities of local government has changed over the years and, in recent years, there has been a distinct impetus to devolve power from Whitehall to local councils and communities that will further change that landscape.
- g. the Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to the District Council for its area, through a process called a community governance review which has, at its heart, engagement with local people in the defined review area and that representations received in connection with the review are taken into by the District Council.

- (2) requests that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.”**

At its meeting on 26 November 2024 (Minutes 75), Council then received the requested report, including draft Terms of Reference, indicative costings assessed at that stage and proposals to establish this Committee as the body that would oversee Community Governance Review matters. Council approved the following having considered that report:

- “(a) being minded to see a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick proceed;
- (b) hereby determines the following:-
 - (i) that the draft Terms of Reference for the community governance review, as set out at Appendix A to report A.6, be approved as the basis for that review;
 - (ii) that the Chief Executive be authorised to adjust the Terms of Reference approved in (b)(i) above to finally be published to reflect the current position as known on 1 July 2024 in relation to matters such as the 2025/26 Parish Precepts and consequential Band D Council Tax amount in each area of the District;
 - (iii) that, subject to (iv) below, Cabinet be requested to include within the recommended budget for 2025/26 the minimum sum of £48.4K to fund consultation and other expenses in respect of the community governance review and thereby authorise Officers to incur expenditure to undertake the review following approval of the budget;
 - (iv) that Officers be requested to monitor the anticipated costs to deliver the review, including postage charges; to update the likely cost of the review; and to inform Cabinet to enable the sum in (c) above to be updated as necessary;
- (c) that the terms of reference for the Community Leadership Overview and Scrutiny

Committee be expanded, as set out in Appendix B to report A.6, to include a reference power to consider and oversee community governance reviews and to submit a final recommendation to Council following the conclusion of the review (including any proposal to discontinue the review in any particular part of the review area based on responses received);

- (d) that Council approves the delegation of functions for community governance reviews, as set out in Table 1, within this report (A.6), to be included within Part 3(X), Schedule 2 Non-Executive functions for Full Council; and*
- (e) that the Monitoring Officer be authorised to make the necessary changes to the Constitution to implement the Council's decision."*

Since the above approval, the draft terms of reference have been updated to identify key demographic data around the entire review area, add an extra year to the projected electorate in the review areas (and District Council Wards) to ensure there is a five year forecast at the start of the review, updated precept levels and Band D Council Tax requirements for 2025/26 for the existing Parish and Town Councils in the District and the list of stakeholder groups to be consulted in the review.

In addition, there has been a specific meeting for all District Councillors representing Wards in the review area to discuss the proposed review, who should be consulted during the review and different views on the idea of (a) Town Council(s) for the review area. There was an interactive element to the briefing meeting for District Councillors and the summary of the points that were identified in that interactive session is set out at Appendix B to this report.

Separately, there have been meetings of Clacton Town Board (representing businesses, education providers, health providers and voluntary sector organisations in the Town) and Tendring Together (being an event co-ordinated by 'Community Voluntary Sector Tendring') with a range of community and voluntary organisations working in the review area. In addition, a stall was held at the Sports Conference organised by this Council on ** May 2025 for organisations involved in sport and activity provision in the District (including the review area). From these events the list of stakeholder organisations has been expanded and contact details obtained.

The terms of reference includes the following text:

"The District Council would expect there to be a minimum number of responses from the population to trigger a draft recommendation for parish arrangements to be made in the review area. This number would be 5% of the electors involved. A greater level of support would be expected for such a draft recommendation to be made a final recommendation.

If more than one option is supported at the draft or final recommendation stage then the support from the local electorate for those options will be measured against one another to determine whether the trigger point has been achieved."

These words were in the original draft approved by Council on 26 November and have remained in the revised set out at Appendix A to this report.

The reference to minimum levels of support is not explicitly referenced in the 2007 Act or the statutory guidance mentioned in this report. However, they are included as a means of reassurance to the public that this whole exercise has not simply been predetermined and

their say on this matter is important.

RELEVANT CORPORATE PLAN THEME/ANNUAL CABINET PRIORITY

The Corporate Plan 2024-28 has at its heart, Community Leadership with the commitment that the Council will listen and for our residents and businesses. The community governance arrangements for the communities of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands are critical going forward. With the current programme for local government re-organisation, it is vital that those communities have the chance to determine the extent to which they require and can benefit from dedicated local voices to represent their interests. Like the Parish and Town Councils of Brightlingsea, Frinton & Walton, Harwich, Manningree and others any new Local Council(s) would be integral partners with the principal Councils for the area to work with and deliver for the residents and businesses in those areas.

DESIRED OUTCOME OF THE CONSIDERATION OF THIS ITEM/INQUIRY

The report sets out recommendations for the Committee to consider and thereby undertake its oversight role of the community governance review scheduled to commence on 1 July 2025.

ASSOCIATED RISKS AND MITIGATION

The principal risk Council's attention is drawn to is that it does not undertake a community governance review in accordance with the duties and appropriate use of powers set out in the Local Government and Public Involvement in Health Act 2007 having had regard to the statutory guidance issued by the Secretary of State and the Local Government Boundary Commission for England. This report and the attached draft revised Terms of Reference seek to militate against that risk.

EQUALITY IMPLICATIONS

In preparing this report, due consideration has been given to the Council's statutory Equality Duty, as set out in Section 149(1) of the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act);
- advance equality of opportunity between people who share a relevant characteristic and people who do not; and
- foster good relations between people who share a protected characteristic and people who do not.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The Essex Association of Local Councils, Tendring District Association of Local Councils, Society of Local Council Clerks and Councillors for the community governance review area have been engaged with in preparation for the community governance review. All have been helpful in shaping the process of the review.

In addition, a briefing meeting for District Councillors representing Clacton-on-Sea, Holland-on-Sea and Jaywick Sands was held on 22 May 2025. At Appendix B is a summary of issues raised at that briefing session in response to the questions outlined in that Appendix. The meeting was attended by 13 of the 19 District Councillors for the review area.

DETAILED INFORMATION

The legal framework under which the proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands has been prepared is set out in the Local Government and Public Involvement in Health Act 2007. As the name of the Act implies, it is wide ranging in terms of its provisions. Part 4 of the 2007 Act sets out those provisions related to parishes and community governance reviews. It was through this Act that principal authorities such as this Council (for the District of Tendring), has the power to determine such matters as whether to parish an area, to amend parish areas, to change electoral arrangements for parish councils and to remove moribund parishes following a process defined as a community governance review.

In this case, a community governance review has been instigated by the relevant principal council (this Council). In undertaking community governance reviews, principal councils are required, by section 100(4) of the 2007 Act, to have regard to this guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act. Due regard has been given to that guidance in the preparation of this report. The full guidance is available through the link later in this report.

At Full Council on 26 November 2024 (Minute 75 refers), in addition to approving a community governance review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, it was decided that this Committee would have the oversight role for community governance reviews undertaken by this Council. Community Governance reviews are defined as non-executive functions within the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended). Formal decisions around amending the Terms of Reference for the Review, approving final recommendations and any related Order are matters retained for Council.

The approved allocation of responsibilities in respect of community governance reviews between Council, this Committee and the Chief Executive are set out in Table No. 1 below:

Table No. 1

Part 3 Schedule 2 - Responsibility for Council (Non-Executive) Functions

Functions relating to community governance reviews	Sections of Part 4 of the Local Government and Public Involvement in Health Act 2007	Functions being retained by Council, or delegated to Community Leadership Overview & Scrutiny Committee (CL OSC) or the Chief Executive (CX)
Duties relating to community governance reviews.	Section 79	Council
Functions relating to community	Sections 80, 83 to 85	Council

governance petitions.		
Functions relating to terms of reference of review.	Sections 81(4) to (6)	Council
Power to undertake a community governance review.	Section 82	Council
Functions relating to making of recommendations.	Sections 87 to 92	CL OSC to provide recommendation on sections 87 to 92 to Council
Duties when undertaking review.	Section 93 to 95	CX
Duty to publicise outcome of review.	Section 96	CX
Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1)	CX
Power to make agreements about incidental matters.	Section 99	CL OSC to provide recommendation on section 99 to Council

RECOMMENDATION(S)

It is recommended that Committee;

- (a) considers the report and endorses the approach proposed to the community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands set out;**
- (b) provides such comments on the revised Terms of Reference for the review as the Committee considers necessary ahead of their publication on 1 July 2025;**
- (c) determines to meet on the following dates for the purposes of overseeing the community governance review:**

Monday, 20 October 2025

Monday, 16 March 2026 (replacing the scheduled meeting on 10 March 2026)
and

- (d) recommend to Cabinet that the funding for the community governance review be increased to £68,000 based on the revised costings, the inclusion of up to £10,000 of support through the Society of Local Council Clerks and provision of £5,000 contingency.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are submitted pursuant to the decision of the Council on 26 November 2025 (Minutes 75 refers) to approve the undertaking of a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, the timetabling of such a review and its resourcing. This Committee is designated to oversee the review and act as the conduit for recommendations to be submitted to Council (in due course). This report provides an opportunity for Councillors to review the revised Terms of Reference for the review prior to the finalised version being published by the Chief Executive on 1 July 2025. In order to provide the envisaged oversight of the review and conduit for recommendations to Council, the timetabling for the review necessitates additional meetings of the Committee in October 2025 and in March 2026. As such, dates for these additional meetings are proposed.

ALTERNATIVE OPTIONS CONSIDERED

The decision of Council on 26 November 2024 (Minute 75) to authorise a Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands did not explicitly require consideration by this Committee of the revised Terms of Reference and the other matters concerning the review set out in this report. However, Council did establish this Committee as the body to oversee the community governance review and, as such, it appeared appropriate to facilitate consideration of the matters in this report prior to the formal commencement of the review on 1 July 2025. On this basis, not to report these matters to the Committee at this point was discounted.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The cost of undertaking the review was originally estimated at £48,400 (as the minimum) divided almost equally over the two major stages of consultation set out in the Terms of Reference for the review set out at Appendix A to this report. The main element of the costs relates to written communication with 27,000 households in the review area on at least two separate occasions as we initially invite views and then set out one or more options in detail and request feedback. Allowing for “business reply” responses from households in the review area amount, across both consultations, to approximately £40,100. The remaining sum from the £48,400 referred to would provide funding for public meetings and advertisement costs (including digital, paper based and posters) to bring the consultation to the attention of electors and other stakeholders. Prior to the start of the community governance review, we would seek to identify tenant, resident, community and business groups to be advised/consulted in addition to electors.

These costs referred to above were determined in autumn 2024 and have been reassessed taking account of the revised costs of, mainly, mailing costs following increases in charges by Royal Mail on 7 April 2025 (of between 2.4-3.0%). The combined outcome of adjustments to the costs associated with the community governance review is that the overall cost has increased by £5,000 from £48,000 to £53,000. In addition, it is proposed that a sum of £10,000 be provided to facilitate the engagement with specialist bodies (such as the Society of Local Council Clerks) to support the review as needed. Lastly, as there currently is no contingency in respect of this project, it is proposed to create a contingency figure of £5,000. The contingency would hopefully enable any further increase in Royal Mail charges during the review to be absorbed. As such, the total budget for the community governance (with the £5,000 contingency) would be £68,000 rather than the £48,000 originally approved. One of the recommendations seeks to address this point. In this way, electors and stakeholders in the review area can receive information from the Council, access to independent views on the subject can be secured and any unforeseen costs can be met within a revised budget for the review. Obviously, any unused funds could be reallocated by the Council at the end of the review.

The position concerning the costing of this review will still need to be monitored and updated to this Committee (and if necessary then Cabinet).

The review (as set out in the revised terms of reference at Appendix A) is timed to be undertaken in 2025/26.

The staff resource to undertake the various tasks necessary to achieve the steps summarised will be carried out by several service areas within the Governance Directorate.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There are no direct impacts from the proposals set out in this report for either devolution or local government reorganisation. Clearly, as the initiation of the process of the community governance review was ahead of the Government's proposed initiation of the devolution priority programme (and its associated local government reorganisation process), this priority programme and interim submission for Greater Essex will need to be reflected in the consultation as part of the community governance review.

In a letter from the Deputy Directors at the Ministry of Housing, Community and Local Government in respect of local government reorganisation, dated 3 June 2025, the following text was directed to Chief Executives in the area:

"The Government welcomes the steps areas are taking to consider how to maintain strong community voice. Local Government Reorganisation should facilitate better and sustained community engagement and needs a clear and accountable system of local area-working and governance. Neighbourhood Area Committees, led by frontline ward councillors, offer a model of place-based engagement and leadership which maximises the structural efficiencies brought about by Local Government Reorganisation and strengthens localism and community participation across all areas. Neighbourhood Area Committees help councils fulfil their commitments to working in partnership with communities at the neighbourhood level. They can also include other service providers, such as town or parish councillors, when applicable, along with co-opted members from local community organisations.

Areas considering new town or parish councils should think carefully about how they might be funded, to avoid putting further pressure on local authority finances and/or new burdens on the taxpayer. The Government recognises the value that town and parish councils offer to their local communities, but they are independent institutions and are not a substitute for meaningful community engagement and neighbourhood working by a local authority. The Government wants to see every local authority hardwiring local community engagement into their own structures, preferably through neighbourhood Area Committees."

Officers are content that, notwithstanding the above, proceeding with this community governance review is appropriate as the approval of the review pre-dated the publication of the Government's White Paper on 16 December 2024 on devolution and local government reorganisation and the commencement of the devolution priority programme.

The above must be considered, however, due weight will mean that the statutory guidance which the Council must have regard to in respect of community governance reviews will be given greater weight. This guidance includes (on page 12 of that guidance) the following:

*"Principal councils will want to keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a review is needed. A review may need to be carried out, for example, following a major change in the population of a community or as noted earlier in this chapter (see paragraph 15) to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but **it would be good practice for a principal council to***

consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate.”

There has not been a community governance review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands in that 10–15-year period.

PREVIOUS RELEVANT DECISIONS

Council on 17 September 2024 (Minute 50 refers) requested the submission of proposals for a Community Governance Review to enable Council to determine whether to proceed with such a review. Council on 26 November 2024 (Minute 75 refers) sets out the decision of Council following consideration of the proposals for a community governance review.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

The joint statutory guidance issued by Government and the Local Government Boundary Commission for England in respect of community governance reviews under the 2007 Act is available here–

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

APPENDICES

A – Revised Terms of Reference for the possible Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands

B – Summary of thoughts from the briefing session for District Councillors Clacton-on-Sea, Holland-on-Sea and Jaywick Sands held on 22 May 2025

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