

# RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

9 JULY 2025

## REPORT OF LEADER OF THE COUNCIL

### A.2 PORTFOLIO HOLDER PROJECTS – UPDATE

#### **PURPOSE OF THE REPORT**

This report implements the commitment given at the 17 December 2024 meeting of the Committee by the Leader (Minute 64 refers) to “pull together a comprehensive list of all of TDC’s current projects” and to submit these at a meeting of the Committee. The list was originally submitted to the 14 April 2025 meeting of the Committee. However, the Leader submitted his apologies as he could not himself attend that meeting. As a consequence, the Committee deferred consideration of the report submitted. Following letters between this Committee’s Chairman and the Leader, it was agreed that the Leader would attend the meeting of the Committee on 1 July 2025 to review progress with the projects. Appendix B to this report has been updated from that submitted to the 14 April 2025 meeting.

The 14 April 2025 meeting of the Committee also considered the outcome of the Chief Executive’s internal report, through Internal Audit, of the issues around unauthorised expenditure associated with the works at Spendells House (in Walton-on-the-Naze) to provide 32 rooms for temporary accommodation for homeless families. Although this report was solely that of the Chief Executive, the Committee considered that there were matters that it wanted to address to the Leader. Through this report, the opportunity is provided for the Committee to ask those questions.

#### **SCOPE - THE AIMS AND OBJECTIVES OF THE REPORT**

The scope of this report is to address (1) the commitment provided to the Committee on 17 December 2024 set out above and (2) the request of the Committee on 14 April 2025 to pose questions of the Leader in respect of the Spendells House scheme and its oversight by Cabinet Members.

#### **INVITEES**

None. The Leader of the Council (Cllr Mark Stephenson) will attend the meeting to present this report and he may be accompanied by other members of Cabinet as the Committee extended its invitation for the Leader to be accompanied by relevant Cabinet Members.

#### **BACKGROUND**

In receiving the initial report to it on 22 July 2024 in respect of the unauthorised expenditure in respect of the Spendells project, the Committee recommended to Cabinet (inter alia):

*“that Portfolio Holders 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 by the end of September 2024 (and that this also then be submitted to this Committee at its next programmed meeting).”*

Following consideration of the above by Cabinet on 20 September (Minute 46 refers), the

Committee then met on 23 September 2025 (Minute 57 refers), and resolved to:

*“Invite the Leader of the Council to its next meeting and receive a report outlining the progress with the Cabinet’s decision as follows; “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.”*

*The Leader then attended the Committee’s meeting on 17 December 2024 (Minute 64 refers) and there was a discussion of the outcome of the Portfolio Holder reviews of their projects. The detail of that discussion, as recorded in the Minutes of that meeting are set out in Appendix A to this report.*

The Leader is attending this meeting in order fulfil the commitment given to the Committee on 17 December 2024 and submit a comprehensive list of all of TDC’s current projects. This list is set out at Appendix B to this report.

As stated earlier, a report was prepared and submitted to the Committee’s meeting on 14 April 2025 with updates on the projects. The Leader was unable to attend the Committee meeting that evening. In discussion with the Committee’s Chairman, it was agreed that the Leader would be invited to attend the meeting of this Committee on 1 July to present the update on the projects. The decision at the 14 April meeting of the Committee was as follows (Minte 74 refers):

*“It was then AGREED to defer Item A.2 – Report of the Leader – Portfolio Holder Projects – Update and that a separate public meeting of the Resources and Services Overview and Scrutiny Committee be arranged and held to enable the Committee to discuss this report with the Leader of the Council as well as any relevant Cabinet members.”*

In addition, at the same 14 April 2025 meeting the Committee received the report of the Chief Executive in respect of the internal investigation he commissioned in respect of the unauthorised expenditure that occurred in late 2023/early 2024 as variations to contract were agreed without the required budget being in place and which led to the Monitoring Officer’s Section 5 report to Cabinet on 24 May 2024. This, in turn, was the subject of consideration by this Committee on 22 July 2024 referenced at the beginning of this section.

Having heard the outcome of the Chief Executive’s internal investigation in respect of the Spendells House project at the Committee’s meeting on 14 April 2025, the Committee approved the following (among other matters):

*“[...] that the Committee:*

*[...]*

*(d) looks forward to addressing the political oversight in the later stages of the project as part of the proposed special meeting with the Leader and relevant Cabinet members.”*

To assist the Committee in respect of this supplementary item for this report, attached at Appendix C is an extract from the Minutes of the meeting of the Committee on 22 July 2024 when the Committee last invited the Leader and the Portfolio Holder for Housing to attend and respond to questions in respect of the Spendells House matter and the unauthorised expenditure position from late 2023 and early 2024.

## RELEVANT CORPORATE PLAN THEME/ANNUAL CABINET PRIORITY

The Corporate Plan themes for the Council for the period 2024-28 are:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial sustainability and openness

The various projects of the Council can be said to contribute to many, if not all, of the above themes. In regard to this specific report, the expanded text of the financial sustainability and openness theme above, is relevant:

*“To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. We will give clarity on where the Council spends the money it is provided with.”*

## DESIRED OUTCOME OF THE CONSIDERATION OF THIS ITEM

The Terms of Reference for this Committee clearly allocate its responsibility for oversight of Service Delivery and Performance by the Council. Management of Projects is within scope of the Committee as it performs its ‘critical friend’ role to Cabinet on behalf of the wider Council.

## DETAILED INFORMATION

The information submitted by the Leader in respect of projects within the control of Cabinet is set out at Appendix B to this report.

## RECOMMENDATION

**That the Committee determines whether it has any comments or recommendations it wishes to put forward to the Leader/Cabinet.**

## PREVIOUS RELEVANT DECISIONS

Minutes of this Committee’s meeting on:

- \* 22 July 2024 (Minute 50 refers)
- \* 23 September 2024 (Minute 57 refers)
- \* 17 December 2024 (Minute 64 refers)
- \* 14 April 2025 (Minutes 74 and 78 refer)

## BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

## APPENDICES

- A – Extract from the Minutes of the Committee’s Meeting on 17 December 2024 (Minute 64 refers)
- B – List of Projects within the control of the Cabinet
- C – Questions and answers posed at the Committee’s meeting on 22 July 2024 to the Leader and to the Portfolio Holder for Planning and Housing.

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**EXTRACT FROM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 17 DECEMBER 2024 (MINUTE 64)**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 - PORTFOLIO HOLDER PROJECTS - PERFORMANCE AND PROJECT MANAGEMENT**

The Committee considered a report of the Head of Democratic Services & Elections (A.2) which enabled it to consider the outcome of its decision from its meeting on 23 September 2024 (Minute 57 referred) which had been considered by Cabinet on 15 November 2024 (Minute 75 referred). The Committee had recommended, in the light of the unauthorised expenditure found in relation to the Spendells temporary accommodation project that Portfolio Holders reviewed performance and project management of all their existing projects. This review, the Committee had requested, should be completed in time for the findings to be reported to this meeting together with any additional actions determined by the Leader. The Leader of the Council attended this meeting to discuss the outcome of the Portfolio Holder reviews of their projects.

The Chief Executive (Ian Davidson) referred to the announcement by HM Government of its White Paper on Devolution and Local Government re-organisation (LGR). He outlined the context in relation to the timescales for completing the projects and other constraining effects on the Council's key projects that would need to be kept under close review moving forward. Responding and reacting to the White Paper would have a significant effect on this Council's capacity and resources. It would also challenge this Council to maintain its current good performance in terms of Value for Money judgements (which had been recognised by the Council's External Auditor). Mr. Davidson then responded to Members' questions as follows: -

<u>Committee Members' Questions</u> (Summary)	<u>Responses (Chief Executive, unless otherwise stated)</u> (Summary)
Will there be a clause in the new Waste Management Contract that will protect TDC in the event that it disappears under LGR?	There are a myriad of contracts that will need to be gone through. Harmonisation of contracts with other local authorities would take place over time. If TDC was to cease to be then the burden of such contracts would fall on the successor Authority. These are all matters that need to be closely considered alongside other matters such as TDC's close working relationships with the District's Parish and Town Councils.
As LGR progresses will there be a grading system introduced for projects that are underway or are still in the planning stage?	Excellent question. This is just the sort of thing that Officers will need to examine and then facilitate the Cabinet in making its decisions. For some projects, TDC is already contractually obliged having accepted the relevant external funding. The Council's Monitoring Officer and the Section 151 Officer will both play a key role in that process.  [Director (Governance)] – These are daunting times for local government as it is facing its largest re-organisation since the passing of the Local Government Act 1972. This is also happening alongside large-scale changes to the national planning, housing and procurement statutory frameworks. Already, cautionary messages are being issued to Councils about looking at, in the New Year, transformation projects whether planned or already underway.
Should this overview and scrutiny committee be concentrating on the process in terms of LGR and its effect on TDC's projects?	It would be valid for this Committee to look at the process for choosing which projects are continued or are ceased. A report will be submitted to Full Council in January 2025 that will place all the available information before Members in order to allow them to debate this matter.

	[Director (Governance)] – Officers will, of course, keep Members up to date as matters progress. It is expected that tools will be provided in due course for Members by bodies such as the Centre for Governance and Scrutiny. Eventually an Order will be made in Parliament that will set out all those functions (including contractual matters) that will be put over to the new Authority.
Has TDC been involved in any Best Value related collaborations with neighbouring Authorities on these large projects/contracts e.g. Waste Management?	Yes, most certainly e.g. with Colchester CC and Essex CC on the TCB Garden Community. Another example would be regarding collection methods and mechanisms for purchasing collection vehicles for the new waste collection contract.  [Leader of the Council] – Other examples would include the Health & Well-being Alliance, procurement, Emergency Planning, new HR systems and the NEC audit.

The Leader of the Council (Councillor M Stephenson) then addressed the Committee and stated that the Leader/Portfolio Holders' review of projects had focused on three key aspects i.e. capacity, governance and finance. He was broadly comfortable that Portfolio Holders were on top of their respective projects. Councillor Stephenson commended the Committee for their recommendation as this had proved to be a very useful exercise for both Officers and Portfolio Holders. He intended to pull together a comprehensive list of all of TDC's current projects which he would submit to a future meeting of the Committee.

The Leader of the Council then responded to Members' questions as set out hereunder. The Chairman (Councillor P Honeywood) acknowledged that the Leader had not had sight of the questions before the meeting

<u>Committee Members' Question</u> (Summary)	<u>Responses (Leader of the Council, unless otherwise stated)</u> (Summary)
Have all the cameras been granted planning permission?	No. A number of planning applications had been submitted and any that were still outstanding would be submitted shortly. These planning applications would be required to be considered by the Planning Committee.
Regarding the CCTV project, what has happened and what is the progress?	Outlined the timeline to the Committee and undertook to circulate the timeline to Members after the meeting.
How did the CCTV project get so far behind schedule?	There were problems with specifications and the tender process.
Is everything going to be completed for the CCTV project by March 2025?	The aim was to have everything completed by 10 April 2025.
Since the Safer Street Funding briefing note has been circulated, what has happened since then?	Will provide a written answer circulated to all members of the Committee.
Is the Council adhering to the terms of the funding agreement?	Yes, but will confirm that in writing.
What is the financial risk to the Council?	Not aware of any risk. Money is passported and there has been an extension of time granted.
Regarding the site at Weeley, what is the end date for the project? What has happened since 2023 when the heads of terms were signed? How long were the heads of terms agreed for? What happens if there is no completion of the development? Are the housing prices right for the	This is a sensitive issue best answered by the Corporate Director. There are things going on in the background but they are of a sensitive nature.  [Corporate Director (Operations & Delivery)] – It's undeniable that this matter has not proceeded as quickly as TDC would have liked. Officers have been pushing hard but, as yet, have not reached an agreement with the Developer. Is aware of the ongoing cost liabilities to the Council of this site.

<p>development?</p> <p>Is the deal still good for the Council?</p> <p>What is the procedure for property acquisitions or disposals in relation to tender?</p> <p>What was the process that was undertaken?</p>	<p>Will start to look at alternative options for the disposal of this site in an effort to speed up a resolution. Frustrating for all concerned. Any alternative to the current negotiating process will require a further report to Cabinet and a new decision. The negotiations have been lengthy, detailed and problematic (e.g. ransom strips).</p> <p>[Chief Executive] – To an extent, TDC is in the hands of Developers and their willingness to release sites into the housing market. Obviously, this would be done on a ‘drip feed’ process in order to avoid a sudden ‘glut’ and a depression of house prices.</p> <p>[Councillor M Cossens] – The site at Weeley will be a key focus of the work of the Asset Management Arrangements Task &amp; Finish Working Group.</p>
<p>Further to the responses just provided, this needs close examination to learn lessons for the future. Is going out to a re-tender one of the alternative options?</p>	<p>[Corporate Director (Operations &amp; Delivery)] – Yes, that is one of the options.</p> <p>[Chief Executive] – There is a requirement for seven dwellings to come into TDC’s housing stock. This has been a complicating factor and has meant that it has not been a straight-forward land sale.</p>
<p>What projects do you have underway?</p> <p>What was the review process taken?</p>	<p>Review of projects had focused on three key aspects i.e. capacity, governance and finance. He was broadly comfortable that Portfolio Holders were on top of their respective projects. He intended to pull together a comprehensive list of all of TDC’s current projects which he would submit to a future meeting of the Committee. List being refined all the time. Had been a very useful exercise for both Officers and Cabinet Members to bring this list of all the projects into one place.</p>
<p>Further to the responses just provided, will this factor into the Administration’s priorities going forward and will this Committee have a say in producing that list?</p>	<p>Yes, they will. The draft initial priorities list for consultation purposes will be submitted to Cabinet on Friday. No though yet has been given to producing milestones for these priorities.</p>
<p>What is the progress with Clacton Town Board?</p>	<p>Previous Conservative Government earmarked £20million over a ten-year period. The matter was paused whilst the General Election was held and whilst the new Labour Government considered and confirmed its regeneration priorities. Therefore, the CTB has been effectively in limbo as a result but it has remained determined to take advantage of any opportunities that comes its way and it has been able to proceed with smaller initiatives like empty shop wrapping in Clacton Town Centre and the development of a website.</p>
<p>How many times has the local MP been to the meetings of the Clacton Town Board?</p>	<p>Will provide a written answer circulated to all members of the Committee.</p>
<p>If LGR goes ahead, will that make the CTB more important as a way of ensuring input into decision making at the local level?</p>	<p>Yes, it will. The CTB is very determined to take ownership of Clacton’s future.</p>
<p>What are the milestones for the savings plans?</p>	<p>[Director (Finance &amp; IT)] - A report will be submitted to Cabinet on Friday that details when savings will come into the Budget in 2025/26 and 2026/27.</p>
<p>Are you behind or ahead with the savings plan?</p>	<p>[Director (Finance &amp; IT)] - Not behind and ahead in some ways but it will require concrete work, actions and decisions made going forward. Worry is about the</p>

	<p>unexpected/unforeseen (e.g. Covid-19) occurrences that could knock TDC off-course. Overall, TDC is currently in a good position.</p> <p>[Chief Executive] – TDC is not in danger of having to issue a Section 114 Notice unlike many other Councils. The External Auditor is content with TDC's approach of a rolling ten-year financial forecast. This 'smooths out' the process and avoids annual wholesale 'panic' cuts of services.</p>
What is the current position with the old Savoy nightclub in Clacton Town?	<p>[Chief Executive] – This is a commercially sensitive matter at this time but forms part of TDC's overall partnership project with the Arts Council. Willing to give more detail in writing to Members.</p>

It was moved by Councillor P Honeywood, seconded by Councillor Doyle and:-

**RESOLVED** that the Committee, having discussed the review of performance and project management undertaken by Portfolio Holders with the Leader of the Council:-

- (a) looks forward to receiving the further written answers in due course from the Leader of the Council and would welcome any further expanded responses to those already provided at the meeting; and
- (b) reserves the right to submit any comments or recommendations to Cabinet on this matter once it has considered the Executive's budget proposals and initial highlight priorities at its meeting due to be held on 13 January 2024.