

Record of Officer's Decision

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

Date of Decision:	13 March 2026
Decision Maker (Officer):	Jointly by the Corporate Director (Law and Governance) and the Assistant Director (Corporate Policy & Support) (in the stead of the Chief Executive)
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	The Chief Executive, by email of 6 March 2026 delegated (in his absence), decision making on his behalf regarding the annual State of Tendring District Statement and the issuing of Pre-Election Period guidance, once these had been discussed at the Standards Committee (on 11 March 2026) to the decision makers referred to above. The Chief Executive at Part 3.53 of the Council's Constitution is the signatory of Summonses for Council meetings (Schedule 12, paragraph 4(a) of the Local Government Act 1972). In addition, the Chief Executive has authority by virtue of Part 3, Schedule 2, Delegation number 6 (Part 3.6 of the Council's Constitution) and Article 12.01(a) (Part 2.43 of the Constitution).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Chairman of the Council (Cllr Bill Davidson) Leader of the Council (Cllr Mark Stephenson) The principle of this decision was also outlined in the Pre-Election Period guidance, which was considered and noted by the Standards Committee at its meeting held on 11 March 2026.
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No

Is it subject to call-in?	No
Decision Made:	To postpone the scheduled annual State of Tendring District speech by the Leader of the Council from the full Council meeting on 31 March 2026, to the Annual Council meeting on 19 May 2026. As such the decision is to apply the following provisions of the Council's Constitution to the Annual Council meeting on 19 May 2026 on the basis that they would otherwise be contrary to the adopted Pre-Election Period Guidance: • Part 4 of the Council's Constitution establishes the procedure rules for Full Council meetings. Specifically, Rule 3 of Section 1 of that Part sets out the business to be transacted at Ordinary Meetings of the Council. This Paragraph requires that "At the last ordinary meeting of the Council in the municipal year, [...] the meeting will receive the annual State of Tendring Statement from the Leader." • In addition, Council Procedure Rule 17 repeats the above provision and then sets out procedures relating to the Statement. In making this decision, the Monitoring Officer has consulted with the Chairman of the Council who, in a Council meeting, and by virtue of Council Procedure Rule 25, has the right to rule on the interpretation of the Council Procedure Rules.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	It is considered that the constitutional requirement to take the annual State of Tendring District statement from the Leader to Full Council at its meeting on 31 March 2026 would fall foul of established Pre-Election Period guidance and breach the Code of Recommended Practice on Local Authority Publicity. Therefore, this constitutional requirement will instead be fulfilled at the next Full Council meeting outside of the pre-election period, in this case the Annual Meeting of the Council on 19 May 2026.
Highlight any associated risks/finance/legal/equality considerations:	The principal risk is a breach of the Code of Recommended Practice on Local Authority Publicity and Pre-Election Period guidance, which is a requirement under Section 2 of the Local Government Act 1986 (as amended in 1988).

Details of any Alternative Options Considered and rejected (together with reasons):	Not rescheduling – this has been ruled out due to the risk of a breach of pre-election period guidance as set out in the Code of Recommended Practice on Local Authority Publicity and Pre-Election Period guidance, which is a requirement under Section 2 of the Local Government Act 1986 (as amended in 1988). Re-scheduling to a later meeting (e.g. the ordinary Full Council meeting on 2 June 2026) – this was rejected as it is important the State of Tending statement is conducted in a timely manner.	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>	X	Not applicable – Decision [and report] to be published
	If Report is not to be published – tick one of the following boxes:	
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
	• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

	And is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Reasons:
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Officers

Signed: Lisa Hastings Title: Corporate Director (Law and Governance)

 Keith Simmons Title: Assistant Director (Corporate Policy and Support)

Dated: 12/03/20256