

Public Document Pack

TENDRING DISTRICT COUNCIL

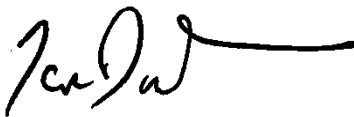
Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

13 January 2020

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 21 January 2020 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 21 January 2020

Prayers

1 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting of the Council (Pages 1 - 18)

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 10 September 2019.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

5 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

6 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

7 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

8 Petitions to Council

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

There are none on this occasion.

9 Questions Pursuant to Council Procedure Rule 10.1 (Pages 19 - 20)

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

There are three such Questions on this occasion.

10 Questions Pursuant to Council Procedure Rule 11.2 (Pages 21 - 22)

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner.

There are two such Questions on this occasion.

11 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There is no such report on this occasion.

12 Minutes of Committees (Pages 23 - 84)

The Council will receive the minutes of the following Committees:

- (a) Audit of Thursday 26 September 2019;
- (b) Standards of Wednesday 2 October 2019;
- (c) Community Leadership Overview & Scrutiny of Monday 7 October 2019;
- (d) Resources and Services Overview & Scrutiny of Monday 14 October 2019;
- (e) Human Resources & Council Tax of Wednesday 23 October 2019;
- (f) Planning Policy & Local Plan of Tuesday 29 October 2019; and
- (g) Resources and Services Overview & Scrutiny of Monday 16 December 2019.

NOTE: The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.

13 Motions to Council - "Mitigation of the Impact of Fireworks on Animals and Vulnerable People" (Pages 85 - 86)

In accordance with the provisions of Council Procedure Rule 12, the Council will consider a Motion to Council submitted by Councillor Susan Honeywood.

14 Recommendations from the Cabinet - The Local Council Tax Support Scheme 2020/2021; Council Tax Exemptions/Discounts 2020/21; and the Annual Minimum Revenue Provision Policy Statement 2020/21 (Pages 87 - 136)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2020/2021; Council Tax Exemptions for 2020/2021; and the Annual Minimum Revenue Provision Policy Statement 2020/2021.

NOTE: Cabinet considered this matter at its meeting held on 8 November 2019. The relevant Cabinet Report and the Minute containing the Cabinet's recommendations to Council are contained within the Council Book.

15 Recommendations from the Cabinet - A New Corporate Plan 2020 - 2024 (Pages 137 - 146)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the new Corporate Plan for the period 2020 to 2024.

NOTE: Cabinet considered this matter at its meeting held on 20 December 2019. The relevant Cabinet Report and the Minute containing the Cabinet's recommendations to Council are contained within the Council Book.

16 Reports Submitted to the Council by an Overview and Scrutiny Committee

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are no such reports on this occasion.

17 Report of the Chief Executive - A.1 - Membership of Committees (Pages 147 - 148)

To inform Council of appointments to Committees that had been made since the meeting of the Council held on 10 September 2019.

18 Report of the Head of Democratic Services & Elections - A.2 - High Level and Light Touch Review of Members' Allowances by the Independent Remuneration Panel (Pages 149 - 158)

Further to the decision taken at the Annual Meeting of the Council held on 28 May 2019 (Minute 13 refers), the Council is asked to consider the recommendations made by the Independent Remuneration Panel following its high level light touch review of Members' Allowances.

19 Seating Plan for Future Meetings of the Council in the Princes Theatre (Pages 159 - 160)

Council's approval is sought in respect of a revised seating plan for future meetings of the Full Council held in the Princes Theatre, following a request received from two Members of the Council.

20 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

21 Exclusion of Press and Public

The Council is asked to consider the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 21 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

22 Exempt Minutes of Committees (Pages 161 - 162)

The Council will receive the exempt minute of the Human Resources and Council Tax Committee of Wednesday 23 October 2019.

NOTE: The above exempt minute is presented to Council **for information only.** Members can ask questions on its contents to the Chairman of the Human Resources and Council Tax Committee but questions as to the accuracy of that minute **must** be asked at the meeting of the Committee when that minute is approved as a correct record.

Date of the Next Scheduled Meeting of the Council

Tuesday, 11 February 2020 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 10TH SEPTEMBER, 2019 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Bush, Calver, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles (except items 47 - 52), McWilliams, Miles, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), William Lodge (Communications Manager), Charlotte Cooper (Committee Services Officer) and Matt Cattermole (Business Support Assistant)

47. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Morrison, Turner, White and Wiggins.

48. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the Minutes of the meeting of the Council held on 6 August 2019 be approved as a correct record and be signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were none on this occasion.

50. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Land) updated Council on:-

- (1) Nomination period for the Pride of Tendring Awards;
- (2) Member visits to Harwich and Manningtree; and
- (3) Project working with Years 5 and 6 at Primary Schools to provide a workshop on citizenship and cultural values.

51. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

52. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) made the following statements:

(1) Housing Infrastructure Fund Success

“Members will be aware of the recent Government announcement that £100million from the Housing Infrastructure Fund will be spent in the District to support delivery of the Tendring / Colchester Garden Community. This is a spectacular achievement for the District and the largest single investment in Tendring for a generation or more. This funding will provide a link road between the A120 and A133 and a rapid transit scheme to alleviate congestion in the area.

I have supported the Garden Communities project from the outset purely because of the “infrastructure first” approach. We have all seen far too many large new housing developments that have simply placed an unacceptable burden on existing infrastructure, causing misery for existing residents as well as creating a new community that is fundamentally flawed from the outset.

This Council, through its unanimous approval of Section 1 of the Local Plan, signalled its clear intent to Government that we want to do things differently and the timing of this announcement so soon after our decision is no coincidence. It demonstrates that the Government is as determined as we are to see the success of Garden Communities.

I would like to acknowledge the key role that Essex County Council played leading in the submission of the bid to Government, as well as our other partners Braintree and Colchester district councils, and to thank the Officers involved in securing this major, transformational investment for Tendring.”

(2) Clacton Town Centre

“I am pleased to also let Members know that the Council’s bid to the Government’s High Street Futures Fund for Clacton Town Centre has been also been successful.

£150,000 has been allocated to the Council to assist in preparing a detailed business case as a bid for significant grant funding next year which could be in the region of £10-15m.

That is an excellent future prospect which we will work hard to achieve but I know our residents and businesses want to see positive action now in order to tackle current problems as well as planning for the future.

I am therefore pleased that Cabinet on Friday will consider an ambitious vision and programme for change to position Clacton by 2030 as a thriving place for residents and visitors. Alongside this will be a ‘Plan of Action’ which outlines short, medium and long-term interventions along with £250,000 from the Council’s regeneration budgets as a starting point for delivery.

Short-term actions proposed - which could be carried out before any potential Government funding - include improved access and more parking, creating a performance area in the town square, and groundwork for future schemes such as a commercial property study and a review of licensing policies.

I would like to thank all those involved in developing the bid, including the Clacton Town Centre Working Party where partners and businesses came together to develop proposals aimed at ensuring a vibrant and successful future for Clacton.”

(3) Waste And Recycling

“The roll-out of the new waste service is a mammoth task.

Other than council tax billing and the annual election canvass, waste is the only service which affects every single household in our District, and therefore impacts upon every one of the nearly 150,000 people who live in this District.

This operation has seen more than 58,000 new wheelie bins delivered to homes and completely new collection routes right across the District over a ten-week period. Planning has been going on for more than a year to ensure as smooth a roll-out as possible.

This has included speaking to colleagues at other Essex councils who have been through a similar process, and their feedback has always been that this type of change can take up to six months to bed in.

Councillor Talbot, the Portfolio Holder responsible for waste and recycling, will have more of an update in response to questions elsewhere in this agenda, and I would not wish to steal too much of his thunder, but I do want to thank him for his dedication and commitment to ensuring this has gone as smoothly as possible.

However, I am pleased to be able to say that over 98% of households received their new bins as planned.

We know, however, that 1.72% of households did not – although the vast majority of these were delivered last week by our contractors during a planned ‘mop-up’ period.

We also recognise that there have been teething problems with waste collections during the roll-out, and on behalf of Tendring District Council I would like to apologise for that, and to apologise to any Tendring residents who have been inconvenienced in any way as the new waste collection system has been implemented.

With an operation of this size and scale some element of disruption was always going to be inevitable, and whilst the numbers are tiny as a percentage of the total population I fully recognise that for the individuals concerned it can be very annoying and irritating to have any issues at all with your bin collection service, so as I say I do apologise to anyone affected.

The issues have mainly centred around new crews having to learn new routes and, during the transition period, running the old and new systems in parallel.

We are continuing to work with Veolia to address these issues, but are already seeing the incidence of problems and complaints reducing dramatically now that we are wholly on the new system.

Finally we are also now seeing the evidence that the amounts and proportions of waste and recycling have been changing significantly as the roll out of the new system has

been implemented and this too has contributed to the challenge of bedding in the new arrangements.

The news on that is very good. But I will leave it for Councillor Talbot to cover later on. I would though, like to thank our staff and officers, and those Veolia employees on the front line, for the hard work they are doing on our behalf and the commitment they are showing in dealing with any issues that have arisen during the roll out phase.”

(4) Exercise Adler 4 – Monday 16 September 2019

“To the best of our knowledge Exercise Adler 4 is the largest East Coast emergency planning training exercise taking place this year.

It will be a live exercise involving real ships, real people and a huge range of emergency services, public services, business and voluntary organisations. It is being led by the Harwich Haven Authority and has been organised jointly with TDC.

Without giving too much away the emergency planning scenario involves a passenger ship in difficulties being evacuated at sea and a second vessel catching fire and docking at Harwich International Port. There will be about 100 “live” casualties to be brought ashore.

A Major Incident will be declared and Tendring District Council’s District Emergency Response Centre will be opened and will be coordinating all Council activities. The following gives an indication of the event participation in terms of multi-agency partners, scope and size;

Agencies who will play their part in the exercise include HM Government (with Ministerial involvement), Police, Fire, Ambulance, Harwich Haven Authority, Essex County Council, a wide range of voluntary organisations, Harwich International Port, Felixstowe Port, Greater Anglia Railways, Border Force, Marine & Coastguard Agency, RNLI lifeboats, Public Health England – the list goes on.....

This will be a major and invaluable exercise which will test our Emergency Planning arrangements in as near as possible a “live” situation.

So I would like to take this opportunity to remind and reassure local residents not to be alarmed if they see this large-scale emergency services response around Harwich on September 16, as this is for the exercise.”

The Leader of the Council then responded, as appropriate, to questions about his statements asked by Councillors I J Henderson and Allen.

53. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Leisure and Tourism (Councillor Porter) made a statement referencing the success of the recent Clacton Air Show.

Following an intervention by Councillor Calver, there was a minute’s silence observed in tribute to the members of the public who had lost their lives in an incident on Clacton seafront earlier in the summer.

54. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

55. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The following questions had been received, on notice, from members of the public:

Question One

From Tom Howard to Councillor Talbot, Environment and Public Space Portfolio Holder:

“As the portfolio holder for the Environment and Open Spaces should be aware, there is a high level of discontent amongst the residents of Tendring regarding the collection of refuse, recycling and garden waste.

Since the recent service changes, the service provided by Veolia on behalf of Tendring District Council has been nothing short of shambolic and implementing penalty charges would seem in order, as would public acknowledgement of the problems and the implementation of an appropriate action plan to bring the service on track.

In the case of the garden waste collection service, this is an add-on paid for service equating to a service charge of £2 per contracted collection. Where these collections have been repeatedly missed, the Council is in breach of its contract with its residents for this paid for service, and the Council should be refunding residents pro rata for the missed collections and services not rendered.

Please will the Portfolio Holder advise what action he is taking regarding the above?”

Councillor Talbot replied to the question as follows:

“The new waste and recycling service was rolled out over a 10 week period, which finished on the 16th August. During this period over 58,000 Wheelie Bins have been delivered to properties all across the District by our contractors JETT, with properties receiving their bin going live on to the new service the following week.

For the vast majority of households this initial phase of receiving their bin went without incident, with the bin delivered on the prescribed week as advertised on the Council website along with their collection calendar and food caddy liners. With the missed bin delivery list running at just under 1000 bins which equates to 1.72% of all bins delivered, these missed bins were mostly re-delivered during the initial 10 weeks, additional to this the contractors were back for the week (2nd to 6th September) mopping up the last of the reported missed bin deliveries.

As the delivery of the bins was over a 10 week period the new service was being provided alongside the existing service, with both the new and old service routes changing every week as more and more bins were delivered to residents. With this has been disruption to the collection service and whilst the vast majority of households has

again been a seamless transition Officers continue to work closely with Veolia as a priority towards the affected residents to capture the isolated households which have experienced repeated missed collections, ensuring that these properties are highlighted to the collection crews who are all learning their new collection rounds.

With any service change of this magnitude, disruption is unfortunately to be expected, prior to the commencement of the new service Officers spoke to their counterparts from Colchester, Maldon, Harlow and other authorities in Essex all who have undergone service changes and the feedback from them all is that it can take up to 6 months for a new service to properly bed in and as such we thank the residents of Tendring for their patience and support as we provide them with a new collection service.

Whilst data is still to be verified by the County Council, the new service which in its entirety has only been fully live to all residents for 3 weeks, is already delivering greatly increased recycling that will substantially improve our recycling percentage figures. This is testament to the service, that it is delivering what we hoped for, and for which the residents of Tendring must take praise in embracing the new service and participating in recycling and waste minimisation.

You ask Sir, what action I am taking regarding the detail contained in your question? Inter alia, I can say that now the Bin delivery has been completed my Officers have used the staff who accompanied the Bin delivery vehicles to form a second small 'hit squad' to investigate and solve problems as they arise.

In relation to garden waste missed collections, like all collection services we urge customers to contact the Council or the contractor in the first instance to report the missed collection. There has been a period when residents have needed to call a number of times, but our aim is that once notified we will then endeavour to collect the missed collection in a timely manner, which is normally the same week for Garden waste and so still provides the customer with 25 collections over the year. Whilst I cannot comment on specifics where there are cases of continued missed collections which results in the householder not receiving their full 25 collections, Officers from the Waste Team will investigate further and take any actions which they feel are appropriate based upon the information provided by both the householder and Veolia."

Question Two

From James Burfoot to Councillor Stock OBE, Leader of the Council:

"During December 2014 the Council removed parts of ornate cast iron lampposts situated along Clacton seafront. These structures were erected circa. 1912 and have been Grade II listed since July 4 1986. Naturally, due to this history, they form an important part of Clacton's heritage. A media article dated 24 December 2014 (Gazette: p37) states that these parts were removed on the grounds of health and safety. The Council of course has a duty of care to ensure its property is safe.

However, it can also be a criminal offence to carry out demolition or alteration works on listed buildings without obtaining proper permissions. When work is carried out on an emergency basis this must be proved to be necessary and temporary.

Within the article Cabinet Member for Coast Protection at the time of the removal, Cllr Nick Turner states “we have dismantled these listed structures and will be storing everything carefully until we can decide the best way forward to repair and restore them”.

I have recently made contact with Cllr Nick Turner through email correspondence and, despite him no longer having authority over this matter, would like to thank him for his efforts in responding and for forwarding my concerns to the Council. This is greatly appreciated.

I assume that, at the time of the removal, the Council complied with all relevant legislation and obtained all necessary legal permissions and that they have indeed been stored “carefully”.

We are fast approaching the fifth anniversary of these “temporary emergency works”. Therefore could the Leader of the Council please explain the Council’s plans to restore these lampposts either to a cosmetic or ideally full working condition in order that these priceless features of our town’s history can once again form a paramount role in the ongoing regeneration of our Town Centre and seafront?”

Councillor Stock replied to the question as follows:

“Thank you, Mr Burfoot for your question.

I am advised that there is a total of twenty-one cast iron lamp columns along Clacton seafront. Four lamp columns on the Western Promenade within the seafront gardens conservation area were refurbished as part of a heritage lottery scheme in 2000 / 2001 at a cost of £10,000 per column and these columns need further work.

Of the remaining columns, fifteen are the Council’s responsibility and all have had their tops removed at various times over the past twenty-five years due to concerns over public safety. All action was taken in line with the advice of the Council’s Planning Department. The removals were done on safety grounds and no criminal offence has been committed.

A further two columns are within the Pavilion site.

The parts removed from columns along the eastern promenade in previous years were corroded and beyond repair and the buried private cable supplying the electricity was no longer serviceable.

In 2014 the remaining five lamp heads were removed from columns situated on the western promenade and the aim at the time was to retain these in the hope of it being possible to reuse these parts in any future restoration. However, they were found to be suffering from severe corrosion and not considered fit for repair and re use. They were stored within a Council facility for a considerable time before eventual disposal.

It would be possible to take moulds from remaining lamp heads for a future restoration project, should this be required, but, based on the work carried out in 2001 and more recent enquiries with potential restorers the cost of refurbishing the remaining lamp columns is likely to be anything from £300,000 to £600,000 depending on the extent of the refurbishment undertaken to the columns and the condition of underground cabling serving them.

I have just made a statement about exciting new plans being drawn up for Clacton town centre and I would urge everyone to continue to engage with that process to ensure the best outcome for the town."

56. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

Six questions had been submitted by Members as set out below:

Question One

From Councillor I J Henderson to Councillor Newton, Portfolio Holder for Business & Economic Growth:

"I welcome the fact that the Leader of the Council has appointed the Portfolio Holder for Business and Economic Growth as the lead Member on the UK leaving the EU.

With the truly frightening prospect of the UK exiting the EU without a deal becoming a real possibility, I am confident that the Portfolio Holder for Business and Economic Growth will have made it her top priority to ensure that a full and detailed risk assessment for the Tendring District in the case of a 'no deal exit' scenario is in place.

Will she please advise Members of the conclusions reached in her risk assessment as to how the Tendring District would be impacted by a no deal exit?"

Councillor Newton replied as follows:-

"Firstly I would like to thank Councillor Henderson for this question and for his vote of confidence.

I think we would all agree that it is essential that the Council has fully considered the implications of Brexit, and in particular a No Deal scenario.

Officers have, and will continue to, assess the risks and opportunities which may arise and this has been based on guidance from both Government and the Local Government Association.

This includes issues such as the EU Settlement Scheme, the role of key ports such as Harwich International, opportunities and challenges for businesses and impacts on the Council itself.

I would like to highlight two specific key risks and action that has been taken.

Firstly, the Council has the role to provide environmental health services for import and export, mostly in relation to Harwich International Port. Steps are being taken to ensure that the right level of systems, facilities and staff capacity will be in place to ensure service continuity post Brexit and in particular a No Deal scenario.

Secondly, working as part of the Essex Resilience Forum, officers have ensured that plans are in place to mitigate potential road congestion to A120 should Harwich International Port have an increase in freight traffic either through natural growth or as a national resilience port for Dover.

Through the Resilience Forum the Council has also played a lead role in a range of emergency planning scenarios which 'stress test' scenarios which could take place in our District, and Essex, as a result of a No Deal Brexit. This includes the provision of mutual aid support from neighbouring Councils.

To support those and other actions, the Government has provided funding to the Council.

Central to managing risks in relation to Brexit is engaging effectively in order to understand and assess the current position across key issues.

The Chief Executive and Senior Officers are actively engaged in national and regional groups and this ensures that the Council is both receiving and providing the most up to date information relevant to Tending.

The Council is also in regular dialogue with businesses and community groups across the district to gauge concerns and develop plans for support where appropriate.

I am satisfied that the Council has, and will continue to, plan appropriately for Brexit. It is without doubt both a complex and extremely dynamic environment. As the position becomes clearer I would be happy to provide further detail in a written briefing for all Members in the coming weeks."

Councillor Henderson then asked a supplementary question to which Councillor Newton responded.

Question Two

From Councillor Calver to Councillor G V Guglielmi, Portfolio Holder for Corporate Finance & Governance:

When the Conservative Group took control of the administration in 2009 it cancelled the plan to turn the Gas House Creek site in Harwich into a public car park and removed the earmarked funding. The reason given was that the site was needed as employment land to provide much needed jobs in the Harwich area.

In the ten years since, not one job has resulted from the change of policy on this site.

Will the Portfolio Holder for Corporate Finance & Governance please advise the Council of any plans he has for this site and when the residents of Harwich can expect it to benefit the local community?"

Councillor Guglielmi replied as follows:-

"In 2010 the Council was approached by a local business owner looking to expand his business including the creation of new jobs, new commercial activity and retaining

diversity of use on the sea frontage. Interest was also expressed by Trinity House whose operational base lies adjacent.

After considering a range of options for the site the Council invited bids for the land. Three bids were received and the land was let part to Trinity House and part to a local engineering company.

Trinity House continues to occupy the part of the site let to it, making productive use and contributing to the safeguarding of local jobs in line with the decision made by the Council.

Unfortunately, and despite expanding rapidly, the engineering company ran into difficulty in 2013 and on 20 January the Council moved to take the site back following the announcement of the liquidation of the company.

The Council invited bids once more for the available section of the land. Three bids were received once again and in June 2014 the decision was made to grant a lease to another engineering company whose bid included proposals for offshore services and education facilities.

The lease to the new tenant included a break clause that the Council could end the lease in January 2016 if the proposed works and activities on the site were not complete. By October 2015 it was clear that the company had been delayed by various factors. Again the Council considered the option for that part of the site and gave a one year extension to allow the company to make good its undertakings.

In January 2017 it was clear that the company had not begun or got consents for the proposed works and officers served a break notice to end the lease. Unfortunately the company resisted the break notice and identified a legal technicality that made the break ineffective.

The present situation is that around half of the site remains let to the private company awaiting their action as business needs demand. The other half remains let to Trinity House and is in productive use supporting their work and the ongoing base of their activities in Harwich. Both parts of the land are generating rental income in support of the Council's wider functions."

Councillor Calver then asked a supplementary question to which Councillor Guglielmi responded.

Question Three

From Councillor Davidson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

"Will the Portfolio Holder for the Environment and Open Spaces please confirm whether or not he advised his Cabinet colleagues at the time of the decision to withdraw the weekly refuse collection service and to replace it with a two weekly 'amount restricted' service that this would inevitably lead to a major increase in fly tipping within the Tendring District?"

Councillor Talbot replied as follows:-

“Thank you for your question, which gives me the opportunity to expand on the overall discussion by the Cabinet prior to the revised service coming into operation.

I did NOT advise my Cabinet colleagues that with a two weekly ‘amount restricted’ service that this would inevitably lead to a major increase in fly tipping within the Tendring District because this would not have been true, but what I did say was that it would lead to major increase in the recycling rate for Tendring, which was very low, due largely to former decisions to collect virtually whatever waste a household chose to put out for collection in their Black Sacks destined for landfill.

With a two week collection cycle I said that residents would not be able to put 14 days newspapers and magazines in their bin, or put cereal boxes or egg boxes or put food waste, or put plastic bottles, tins and empty food cans in their Wheelie bins because there simply would not be enough room. Those residents who had always put these items of waste in their Black Sacks would have to start putting such items in recycling boxes.

This decision of the Cabinet proved so successful that the stock of 10,000 red and green boxes and the food cadies we held in anticipation of a sudden demand, all went in the first six weeks of the ten week period when ‘wheelie bins’ were being distributed over the District, a demand we are now meeting. Dare I say it – I had never dreamt that such a large number of our residents did not even bother themselves to recycle at all in the past.

It is of note that we issued 30,000 sets of recycling boxes over the past seven years of the ‘old’ system and now 10,000 boxes were collected by residents in six weeks! But on the bright side, it looks very good for Tendring’s recycling effort expressed as a recycling percentage.”

Councillor Davidson then asked a supplementary question to which Councillor Talbot responded.

Question Four

From Councillor I J Henderson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

“Since the imposition of the ‘amount restricted’ refuse collection policy on the residents of Tendring the incidents of fly tipping have soared.

Will the Portfolio Holder for Environmental Services please advise the Council of how much fly tipping is costing the council tax payers of the Tendring District?”

Councillor Talbot replied as follows:-

“Thank you for your question which clearly shows concern for the amount of Fly Tipping in the District, where incidents on public land are the responsibility of my Department.

We keep very accurate statistics on incidents of Fly Tipping for reasons I will explain later, but I can inform Cllr Henderson that far from the amount of Fly Tipping increasing, the statistics show a continuing small reduction in this offence:

*In the year 2016 – 1,477 incidents of Fly Tipping
In the year 2017 – 1,437 incidents of Fly Tipping
In the year 2018 – 1,326 incidents of Fly Tipping*

So far in the year 2019 – 723 incidents of Fly Tipping - and the Good News for Cllr. Henderson, for me as portfolio holder, and for the District, is that if fly tipping continues for the remainder of this year, at this same rate, we should be under last year's total, continuing the annual reduction in successive years.

I referred earlier to accurate statistics on Fly Tipping and the reason is that since 31st October 2016 the County Council agreed to compensate local authorities if an increase in Fly Tipping could be linked to the restricted use of their sites, now known as Recycling Centres for Household Waste (RCHW). Tending has suffered no noticeable increase.

People and business should realise that Fly-tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also a number of other possible penalties, including fixed penalty notices and having an offending vehicle seized.

The second part of your question concerns the cost of fly tipping.

We have two hit teams who respond to matters such as fly-tipping and issues such as litter picking along the A120, open spaces and housing estates, with the cost of the team being £73k per year.

It was always expected that the containment of residual waste in wheeled bins should in itself, reduce the general level of litter compared with black sack collections, and along with the introduction of a second 'hit' team would provide the Council with flexibility to react to general street cleaning issues including fly-tipping.

Although the incidence of fly-tipping does not appear to have increased as I mentioned earlier, the cost is met within this overall budget of £73k, so no additional cost falls to local tax payers. I accept that the incidence of fly-tipping may have an impact on how the 'hit team' is deployed, but it is managed within their overall workload and associated budget."

Councillor Henderson then asked a supplementary question to which Councillor Talbot responded.

Question Five

From Councillor J Henderson to Councillor Talbot, Portfolio Holder for Environment & Public Space:

"Will the Portfolio Holder for the Environment and Open Spaces please provide the figures for both the number of operatives allocated to the ground maintenance team for the Harwich area in 2010 and the number of operatives allocated to the ground maintenance team for the Harwich area in 2019?"

Councillor Talbot replied as follows:-

“Thank you for your question.

The work of the Council’s open space and grounds maintenance team is carried out by a mix of permanent, casual and seasonal staff.

The maintenance and improvement of public realm throughout the District of Tendring is the objective and responsibility of the whole team. Team members are moved around as work dictates.

All grounds maintenance and open space staff are required to work in any area of the District.

If team members are allocated to any specific area it is to ensure service efficiencies in relation to travel and fuel costs and not because they are, and always will be fixed in one area.

In 2010 the general allocation of staff for Harwich was five permanent staff with casual and seasonal staff as required.

Following the early retirement of one officer in the year 2011-2012 the general allocation of permanent staff in Harwich was reduced to four.

However, additional permanent staff from elsewhere in the District as well as additional casual and seasonal team members were provided for Harwich to ensure all work required could be undertaken.

The open space and grounds maintenance team have been challenged this year by a shortage of available casual and seasonal staff at times when they were most needed, which has affected not only Harwich but all areas of the District in 2019.

Preparations are in place to try to improve staff recruitment for 2020 and beyond.

The Council is well aware of the special circumstances around Harwich towards the end of this year 2019 and throughout 2020. Plans, which include additional financial resources as well as additional staff are currently being finalised to ensure the public realm in Harwich not only matches the quality of previous years, but is improved and enhanced to show Harwich at its very best to the many visitors anticipated in 2020.”

Councillor Henderson then asked a supplementary question to which Councillor Talbot responded.

Question Six

From Councillor Fowler to Councillor Talbot, Portfolio Holder for Environment & Public Space:

“I was both amazed and disappointed at the last Council meeting to hear the Portfolio Holder for the Environment’s response to the question asked specifically about the number of fixed penalty notices for dog fouling issued by TDC for the area of Dovercourt Bay seafront and beach.

May I ask the Portfolio Holder for the Environment to advise the Council how many fixed penalty notices for dog fouling have been issued in 2019 across the entire Tendring District?"

Councillor Talbot replied as follows:-

"Thank you for your question which I am pleased to answer which clearly is asked because you feel that owners of dogs who do not pick up their animals faeces, should be made to behave with respect for the community as a whole.

At the last meeting I replied that in respect to the specific question about Dovercourt Bay seafront and the beach area, no fixed penalty notices had been served. You say you were both amazed and disappointed with my answer. I can assure you that whilst you may have been disappointed with that answer, you should not be amazed to get a truthful answer.

I could have continued by saying that NO fixed penalty notices had been issued in the whole of Tendring, but that was not the question then asked.

Now the question is asked and the truthful answer is NONE.

I reported that we were working towards a new Public Space Protection Order (PSPO) detailed in the Anti-Social Behaviour, Crime and Policing Act 2014 making it an offence not to clean up dog mess in certain areas. Under those orders, a person who doesn't clean up after their dog may face an on-the-spot fine of up to £80 as a fixed penalty notices. If a person refuses to pay they can be taken to the local Magistrates Court for the dog fouling offence and fined up to £1,000.

Dog poo is the most unacceptable and offensive type of litter on our public areas. I have considered the engagement of a team of inspectors to follow round potential law breakers, to witness and photograph offences being committed, so that evidence sufficient to serve an FPN could be obtained, but though investigated we have not gone down that route."

Councillor Fowler then asked a supplementary question to which Councillor Talbot responded.

57. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

58. MINUTES OF COMMITTEES

It was **RESOLVED** that the minutes of the following Committees, as circulated, be received and noted:

- (a) Audit of Monday 29 July 2019;
- (b) Resources and Services Overview & Scrutiny of Monday 29 July 2019; and
- (c) Community Leadership Overview & Scrutiny of Monday 5 August 2019.

In respect of Minute 63 of the meeting of the Community Leadership Overview and Scrutiny Committee held on 5 August 2019, Councillor Allen asked a question in relation to 'rogue' landlords to which the Chairman of that Committee (Councillor Skeels) responded.

59. MOTION TO COUNCIL - "REVIEW OF THE IMPLEMENTATION OF THE NEW REFUSE COLLECTION CONTRACT"

Council had before it the following motion, notice of which had been given by Councillor Fowler pursuant to Council Procedure Rule 12:-

"That this Council recognises the anger, concern and inconvenience caused to the residents of the Tendring District as a result of the introduction of the new refuse collection arrangements.

That this Council instigates a review of the issues arising from the new system and the manner of its introduction by the appropriate overview and scrutiny committee with the instruction that the committee reports its findings to the next ordinary meeting of the Council."

Councillor Fowler formally moved the motion, and Councillor M E Stephenson formally seconded the motion.

Councillor Fowler then explained the purpose of the motion and gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting. They included that many Members had received complaints and concerns from residents about the implementation of the new refuse collection contract which was a subject that had never been debated at Full Council. She felt that Members deserved an opportunity to air their residents' complaints and their own concerns on this matter with a view of helping to inform the scope of the Resources and Services Overview and Scrutiny's review of the implementation of the contract.

Councillor Stephenson then also gave his reasons why the motion should be dealt with at the meeting. They included that it would help Members meet their obligations under Article 2.03 of the Council's Constitution (Key roles of Councillors) i.e. –

"(ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;

(iii) Effectively represent the interests of their ward and of individual residents;

(iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;"

The Leader of the Council (Councillor Stock OBE) then responded and agreed that the motion should be dealt with at the meeting notwithstanding that in his opinion Councillor Fowler's motion was contrary to Council Procedure Rule 14(f) (i.e. it was included within the work programme of an overview and scrutiny committee and specifically that of the Resources and Services Overview and Scrutiny Committee meeting for its meeting to be held in February 2020) and should therefore not have been permitted to be included on the agenda for this Council meeting.

The Chairman of the Council (Councillor Land) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

Councillor Miles addressed the Council on the subject matter of Councillor Fowler's motion.

Councillor Talbot then moved and Councillor Stock seconded that Councillor Fowler's motion be amended to read as follows:-

“That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting as part of that Overview and Scrutiny Committee's minutes.”

Councillors I J Henderson, P B Honeywood, Davidson, Clifton, Calver, Porter, M E Stephenson, Griffiths, Scott, Allen, Barry, Miles, Bush, J Henderson, Fairley, Steady, G V Guglielmi, Stock OBE and Fowler all addressed the Council on the subject matter of Councillor Talbot's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Fowler asked that a record of the vote on Councillor Talbot's amendment be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Alexander	Allen	None	Cawthron
Amos	Barry		Morrison
Bray	Bush		Turner
Broderick	Calver		White
Chittock	Casey		Wiggins
Codling	Chapman		
Coley	Clifton		
Fairley	Davidson		
Griffiths	Davis		
G V Guglielmi	Fowler		
V E Guglielmi	Harris		
P B Honeywood	I J Henderson		
S A Honeywood	J Henderson		
King	Knowles		
Land	Miles		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		

Stock
Talbot
Winfield

Councillor Talbot's amendment was thereupon declared **CARRIED**.

Councillor M E Stephenson then moved and Councillor Bush seconded that Councillor Talbot's motion be amended to read as follows:-

"That this Council notes that a review of the issues arising from the new Waste and Recycling collection system and the manner of its introduction is to be conducted by the Resources and Services Overview and Scrutiny Committee at their meeting on 17th February 2020, as part of that Committee's work programme.

The detailed results of such review will be reported to the following Council meeting."

Pursuant to the provisions of Council Procedure Rule 16.6, Councillor Talbot agreed to further alter the amended motion to accord with Councillor Stephenson's amendment.

The motion, as further amended, on being put to the vote as the substantive motion was declared **CARRIED**.

60. RECOMMENDATIONS FROM THE CABINET

No recommendations from the Cabinet had been submitted on this occasion.

61. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were no such reports on this occasion.

62. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 10.08 pm

Chairman

This page is intentionally left blank

Questions pursuant to Council Procedure 10.1

The following questions have been received, on notice, from members of the public:

Question One

From Steve Kelly to Councillor Neil Stock OBE, Leader of the Council:

“Given that the scientific research suggests that tipping points are making the climate crisis irretrievably apocalyptic; how can the Council best prepare for the extreme food insecurity and mass migration both to and from our District due to Climate Crisis emergencies?”

Question Two

From Chris Southall to Councillor Neil Stock OBE, Leader of the Council:

“Can the Climate Emergency working group justify the huge amount of money committed to an outside agency (assessing the carbon footprint) when that same money would go a long way to providing the much-needed insulation and renewable energy generation investment on council properties?”

Question Three

From Richard Everett to Councillor Neil Stock OBE, Leader of the Council:

“Last year the Council took a number of cases to a planning public enquiry with the expressed intention of eliciting guidance from the Planning Inspectorate to gain consistency over the occupancy of chalets in Point Clear.

Just before Christmas a Planning Inspector issued her decisions in relation to approximately 60 enforcement cases before her. She decided that fifteen (some 25%) of those cases were immune from enforcement because a time-bar of ten years had been exceeded and that the Council were, therefore, legally unable to bring proceedings against those cases. A Freedom of Information Act request by a Point Clear resident has uncovered that approximately £178,000 of council tax payers' money was spent on representation by the council in this enquiry against people who could not afford expensive legal representation themselves. In fact the people of Point Clear were represented legally by two volunteers with no formal legal expertise and at no cost. This accentuates the point that an expensive legal team, led by a top London QC and paid for by the council tax payer, lost 25% of the cases it took to the enquiry. Local people in Point Clear are alleging that they have been harassed by the Council for 10 years, or more.

I trust that the Leader of the Council would agree with me that it is time for the harassment of these people by planning enforcement to stop. So my question is as follows:

Please will the Leader give an assurance to the people of Point Clear that no action will be taken to raise additional enforcement notices, or start criminal proceedings, in relation to the matters decided by the Inspector at the enquiry?

Finally, I feel sure that an internal enquiry might be appropriate to ascertain whether spending £178,000 of council tax payers' money was a good use of council tax funds and whether the intention of gaining consistency of approach has been met. That referral to the Cabinet, or the appropriate Committee, could be occasioned by a Member formally moving the motion, it being seconded, and successfully voted upon by Council under rule 10.9."

Questions pursuant to Council Procedure 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Bill Davidson to Councillor Michael Talbot, Portfolio Holder for Environment & Public Space:

“As TDC quite rightly encourages its residents to sort their refuse and to recycle as appropriate, can the Portfolio Holder for Environmental Services please advise Members whether or not TDC ensures that the refuse collected from Council provided bins in public places is sorted in order to ensure that any recyclable material does not go to landfill?”

Question Two

From Councillor Ivan Henderson to Councillor Paul Honeywood, Portfolio Holder for Housing:

“I am sure that the Portfolio Holder will agree with me that everyone deserves a decent and safe home to live in.

Can he therefore advise me of any future action that this Council intends to take to make sure those relying on rented housing are protected against rogue landlords who appear to have no respect for the welfare of their tenants?”

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 26TH SEPTEMBER, 2019 AT 10.30 AM
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Codling, King (except items 9 - 12), Placey and Steady
In Attendance:	Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Craig Clawson (Internal Audit Manager) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
Also in Attendance:	Nuwan Indika (Audit Manager)(representing BDO LLP, the Council's External Auditors)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Miles and Aphrodite Lefevre (Director & Engagement Lead for BDO LLP, the Council's appointed External Auditors).

10. MINUTES OF THE LAST MEETING

The minutes of the previous meeting of the Committee, held on 29 July 2019, were approved as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

13. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - REPORT ON INTERNAL AUDIT: JULY 2019 - AUGUST 2019

There was a report submitted by the council's Internal Audit Manager (Craig Clawson) (report A.1) which provided a periodic update on the Internal Audit function for the period July and August 2019. The report was split into two sections as follows:-

- (1) Internal Audit Plan Progress 2019/20;and
- (2) Internal Audit Charter.

(1) INTERNAL AUDIT PLAN PROGRESS 2019/20

It was reported that a total of four audits had been completed since the previous update give to Members in July 2019. A further two audits were at the fieldwork completion stage and awaited an 'exit meeting' in order to discuss and agree the findings within the audits in question. Six audits were currently in the fieldwork phase and 13 audits had been allocated and would commence soon.

As there were a number of audits that were continuous or consultative, the Internal Audit Manager had provided the following summary of progress:-

Office Transformation Programme

The Internal Audit Manager continued to attend scheduled meetings regarding the Transformation Programme. This cross departmental meeting had a set agenda to review the progress of the programme and address issues as they arose. Internal Audit was kept up to date with progress of the programme and action plans in place to mitigate key risks within the programme. Senior Management and the Portfolio Holder for Corporate Finance and Governance also attended those meetings.

Digital Transformation Programme

Meetings were held between key Officers involved in the programme and a third party company providing a network re-design solution on behalf of TDC. No significant issues had been raised to date. The current work plan was in phase two of implementation which was designed to create self-service portals for services within the Environmental Services department.

Project Management

It was reported that a new Project Management process had been put in place at Officer level in order to ensure that all Project Initiation Documents (PID) were scrutinised and assessed as early as possible before and after agreement from Cabinet. The premise of the arrangement was to ensure that all projects were practically assessed within resources available on a project by project basis. It was emphasised that this process was not in place to approve or reject projects, only to ensure that all available information was provided to Members before a decision was taken by Cabinet and continuous assessments were in place, if required; after a Cabinet decision had been made. The idea was to manage expectations and ensure that each project was assessed in its own right in order to challenge the following key elements:

Priorities – Did this activity meet the Council’s priorities? Did it deliver against key objectives?

Financials – What was the value of the activity overall?

Risk – Were all risks being addressed?

Sustainability – Were the outcomes achievable; what was the long term impact; were the potential savings short term or long term?

Deliverability – Likelihood of delivering the project with the resources available?

Outcome – Would the project provide the expected outcome e.g. would the savings be made, the service be transformed or key priorities met?

A Project Management Board had been put in place to ensure that the above areas were assessed in detail with recommendations made to the responsible Officers on areas that might require more information or areas to think about that might not have been thought about at the time when writing the PID.

The Board comprised of a Corporate Director, two Heads of Service from different departments and the Internal Audit Manager. This ensured that all projects were assessed by Officers with different sets of expertise prior to commencement.

The above process was a key action within the Annual Governance Statement Action Plan.

Quality Assurance

The Internal Audit function as a matter of course issued satisfaction surveys for each audit completed. In the period under review 100% of the responses received indicated that the auditee was satisfied with the audit work undertaken.

Members were informed that Internal Audit was undertaking a self-assessment against the Public Sector Internal Audit Standards (PSIAS) which in turn would create a Quality Assurance Improvement Programme (QAIP). The QAIP would identify areas requiring operational improvement within the Internal Audit Team with management actions attached. This had been due to be reported at the September 2019 meeting of the Committee. Unfortunately, due to the restructuring of Internal Audit and other unexpected commitments the self-assessment had not been completed. The Internal Audit Manager therefore requested that the submission of the QAIP be deferred to the January 2020 meeting of the Committee.

Resourcing

The restructuring of the Internal Audit Team had now been completed and the Council had appointed a new Internal Auditor within the structure. The Team was currently at 75% capacity due to the ongoing issues regarding sickness and maternity leave.

Outcomes of Internal Audit Work

The Public Sector Internal Audit Standards required the Internal Audit Manager to report to the Committee on significant risk exposures and control issues. Since the last such report four audits had been completed and the final report issued. Two audits had received a 'Substantial assurance' audit opinion and one had received an 'Adequate Assurance' audit opinion. The remaining audit had received an 'Improvement Required' audit opinion. That audit was in relation to Housing Allocations. The required actions were:-

- (i) Allocations System

"Northgate to be approached to enquire whether the highlighted issues can be rectified by an update or consultancy work.

Failing this, alternative options be investigated and considered, in liaison with IT and audit, with a view of implementing a replacement system which is able to perform the functions and safeguards needed, as well as being able to be integrated with any other relevant council system and/or software, such as 'My Tendring'.

Should a new system be adopted, a review of current practices is to be undertaken to ensure efficiencies are maximised and processes are linked to software capabilities."

(ii) Validation of Declarations

“Liaise with relevant parties to explore ways to reasonably validate declarations made on applications for council housing.”

(iii) Scanned Documentation

“To prevent any relevant data pertinent to the allocation process being misplaced and unable to be retrieved at a later date for examination, all documentation within applicant files are to be scanned and indexed.”

Management Response to Internal Audit Findings

There were processes in place to track the action taken regarding findings raised in Internal Audit reports and to seek assurance that appropriate corrective action had been taken. There were no high severity issues currently outstanding.

Update on previous significant issues reported to the Audit Committee on 29th July 2019

Inventory Management / Stock Control

Following a first of a kind across the authority review of the Council's inventory and stock management processes a good practice guide had been developed which would be distributed to all relevant areas of the Council and would be available on the intranet. Unfortunately a significant issue had been identified with a management action relating to more than one department as detailed below:

“Some departments have a rudimentary stock control system or do not have a working inventory stock control system in place.

- *To use the generic inventory management spreadsheets provided by Internal Audit or procure a bespoke inventory control system that works more flexibly with the service need.*
- *Heads of Service with stocks and stores to review the best practice guide and distribute to their relevant Officers.”*

Heads of Service had begun to distribute the best practice guide to their departments. The inventory management spreadsheets were a larger task and this action could be overtaken by events if an electronic solution was implemented instead. A copy of that best practice guide was circulated to those Members present at the meeting.

This was considered timely as the Internal Audit Manager needed to request that the Housing Repairs and Maintenance audit for 2019/20 be replaced by a full security and inventory review of depots supporting the services based there in order to implement stronger controls and improve security arrangements. The 2018/19 Housing Repairs audit had been brought forward from the previous audit plan and was currently 90% complete. As it had started later in the year and was due to finish shortly, it was felt that resources would be better spent supporting services to improve their security arrangements.

(2) INTERNAL AUDIT CHARTER

Members were aware that it was a requirement of the PSIAS for the Audit Committee to review and approve the Internal Audit Charter on an annual basis. The current Charter had last been updated and approved in September 2018.

Having considered and discussed the contents of the Internal Audit Manager's report and its appendices it was:-

RESOLVED that –

- a) the contents of the report be noted;
- b) the Audit Plan 2019/20 be amended as requested by the Internal Audit Manager;
- c) consideration of the Quality Assessment Improvement Programme be deferred to the scheduled January 2020 meeting of the Committee;
- d) the Internal Audit Charter, as set out in Appendix B to the Report of the Internal Audit Manager, be approved;
- e) the Committee compliments the Internal Audit Manager and his Team for their quality of work and dedication in challenging on-going circumstances but places on record that it wants to see a timely resolution to the on-going personnel issues that are leaving the Internal Audit Team at under-capacity; and
- f) the Head of Building and Engineering Services be required to attend the next meeting of the Committee in order to (1) give an update on the Council's business continuity response following the liquidation of ROALCO, the Council's former external contractor for repairs and refurbishment of the Council's housing stock; and (2) contribute to the discussion of the Council's new waste and recycling collection contract as part of the consideration of the Council's Risk Management Strategy.

14. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - EXTERNAL AUDIT'S ANNUAL AUDIT LETTER FOR THE YEAR ENDED 31 MARCH 2019

There was submitted a report by the Council's Deputy Chief Executive (report A.2) which present for the Committee's consideration the External Auditor's Annual Audit Letter for the year ended 31 March 2019.

The Committee was reminded that the Accounts and Audit Regulations required that:

- (1) *A committee must meet to consider the letter as soon as reasonably practicable;*
- (2) *following consideration of the letter in accordance with paragraph (1) the authority must—(a) publish (which must include publication on the authority's website) the audit letter; and (b) make copies available for purchase by any person on payment of such sum as the authority may reasonably require.*

Members were informed that there were a number of different strands of external audit work undertaken during the year but primarily they related to the financial statements and value for money opinion. The outcomes from those activities were reported to the Council separately as they were completed during the year. The Annual Audit Letter was effectively therefore an end of year report for the Council which captured and summarised those outcomes in one document. It was primarily directed to Members but it must also be made publicly available.

It was reported that the Annual Audit Letter relating to 2018/19 had raised no significant concerns. Page 7 of the Auditor's letter highlighted general risks around sustainable resource deployment and financial resilience, which continued to be actively managed within the Council's long term financial forecast. That action had also been recognised within the Council's Annual Governance Statement and updates would be provided to the Committee over the course of the year, with the first one set out within the Table of Outstanding Issues report which would be considered later in the meeting.

Having considered and discussed the contents of the Annual Audit Letter it was:-

RESOLVED, that the contents of the Annual Audit Letter, for the year ended 31 March 2019 be noted.

15. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Deputy Chief Executive (report A.3) which presented to the Committee the progress on outstanding actions identified by the Committee.

The Committee was informed that there were usually two appendices to this report which would contain: 1) updates against general issues previously identified by the Committee; and 2) updates against the Annual Governance Statement that the Committee had agreed at its July meeting each year.

Members were made aware that, as there were no outstanding actions in respect of general issues identified by the Committee, only updates against the Annual Governance Statement were included and detailed in Appendix A to the report.

It was reported that, to date, there were no significant issues arising from the above, with work remaining in progress or updates provided elsewhere on the agenda where appropriate.

The Committee was advised that the Council's Risk Based Verification Policy was usually reported to the September meeting of the Committee. However, it was suggested that the annual reporting cycle be amended so that it was agreed instead in March each year, just ahead of the start of the financial year it related to.

Similarly, it was suggested that the review of the Council's Anti-Fraud and Corruption Strategy would, in future, be presented to the January meetings of the Committee each year instead of in September as had previously been the Committee's practice.

Having considered and discussed the contents of the report and its appendix it was:-

RESOLVED that –

- (a) the progress made on the outstanding issues be noted;
- (b) the change to the annual review cycle for the Risk Based Verification Policy with the Committee now considering the policy at its March meeting each year instead of its September meeting be approved;

- (c) the Risk Based Verification Policy previously approved by the Committee at its meeting held in September 2018, remains in place for the period up to 31 March 2020;
- (d) the change to the annual review cycle for the Anti-Fraud and Corruption Strategy with the Committee now considering the Strategy at its January meeting each year instead of its September meeting be approved; and
- (e) a letter be sent in the name of the Chairman of the Committee to strongly urge all Members to attend all Members' Briefings and that such letter also requests feedback from non-attending Members as to the reasons why they were unable/unwilling to attend Members' Briefings.

The meeting was declared closed at 11.50 am

Chairman

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 2ND OCTOBER, 2019 AT 10.00 AM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Land (Chairman), Alexander, Harris, J Henderson, Steady and Wiggins
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections)(except items 15 - 18), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
Also in Attendance:	Sue Gallone, David Irvine and Jane Watts (three of the Council's four appointed Independent Persons)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Amos (with Councillor Alexander substituting), Councillor Overton (with no substitute) and Clarissa Gosling (one of the Council's appointed Independent Persons).

11. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on 3 July 2019 were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

**14. REPORT OF HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 -
COUNCILLOR DEVELOPMENT STATEMENT**

There was submitted a report of the Head of Democratic Services & Elections (report A.1) which sought to ensure that the Committee:-

- (i) was aware of the development of the Councillor Development Statement;
- (ii) had the opportunity to input into the Statement; and
- (iii) could be re-assured that within the overall ambit of good governance at the Council the need to support the development of Councillors in their roles was being given further recognition through the development of the Statement.

It was reported that the draft Councillor Development Statement 2019-2023 attached at Appendix A to the Officer's report sought to provide the overarching position in respect

of Councillor development at the Council whilst addressing needs analysis and different modes of provision in order to address those needs.

The Committee was requested to consider the draft Statement and determine whether to endorse it for adoption as the framework for Councillor development over the term of the current Council. The Statement would be kept under review and, should there be a need to substantially update, refine and amend it there would be a further report to the Committee.

Members were aware that ensuring that Councillors were as best equipped as practically possible to fulfil the range of responsibilities that role entailed was a key component to delivering good governance.

The Committee raised areas of concern which included:-

Member Comment/Suggestions	Officer Response
<p>[Councillor J Henderson]</p> <p>Training should be offered for newly appointed Members of the Cabinet in order to help them adjust to their new responsibilities and duties.</p>	<p>[HoDS&E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p>
<p>[Councillor Steady]</p> <p>Overview and Scrutiny Members should be allowed to attend Management Team meetings and the Senior Managers' Forum in order to increase their understanding of the operational decision making process and how information is shared across the Authority.</p>	<p>[HoDS&E]</p> <p>Undertook to take up this suggestion with the Chief Executive, as Head of Paid Service as the request related to operational management of the Authority, rather than the item under consideration</p> <p>[HoGLS&MO]</p> <p>Reminded Members that the items discussed at Group Leader meetings with the Chief Executive and at All Member Briefings are for information purposes and share similar topics to those discussed with senior officers, at Management Team/Senior Managers' Forum, for example the draft emerging corporate plan</p>
<p>[Councillor Harris]</p> <p>Newly elected Councillors need prompt training on the "calling in" process for Planning Applications to go to the Planning Committee especially in teasing out the valid planning reasons for doing so.</p>	<p>[HoDS&E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p> <p>[HoGLS&MO]</p> <p>Undertook to re-circulate to Members the</p>

	Members' Referral Scheme & Guidance Note for Planning Applications (January 2019) and also to arrange a training session on this at a future All Members' Briefing.
[Councillor Land] Guidance should be produced for newly elected Councillors on how best to represent their communities.	[HoDS&E] This was a good suggestion that would be taken on board moving forward.
[Councillor Alexander] Concerned that proposal to introduce video recordings of All Member Briefings for later circulation to Members could then get out into the public domain and be used to cause political embarrassment for a Member amongst other nefarious purposes. This could result in a chilling effect on discussions and Members' ability to speak freely. [Councillor J Henderson] This proposal could introduce a disincentive for Members to attend. [Councillor Harris] Suggested that video recordings of the Officer presentations to the All Member Briefing be produced separately to the Briefing itself.	[HoDS&E] Officer presentations to the All Member Briefing would be video recorded but not the Member discussions themselves. [N.B. refer also to resolution (b) below.]
[Councillors Alexander and Steady] All Member Briefings at present are poorly attended. Attendance at these events should be made compulsory as they are a vital source of information for Members.	[HoDS&E] Undertook to try to ascertain the reasons why Members do not, or are unable to, attend All Member Briefings and then carry out an analysis of Members' needs going forward.

Having thus considered and discussed the contents of the draft Councillor Development Statement 2019-2023:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

RESOLVED that the Committee –

-
- (a) confirms its commitment to seeing good Councillor development as a key component of good governance;
 - (b) endorses the draft Councillor Development Statement 2019/23, as set out at Appendix A to the report of the Head of Democratic Services & Elections, with the exception of the paragraph on page 9 of the Statement which refers to the intention to video record All Member Briefings which should be deleted pending a re-draft and re-submission of that paragraph to a future meeting of the Committee;
 - (c) notes that the Statement will be kept under review and that any substantial alteration to it will be the subject of a further report to this Committee; and
 - (d) authorises the Head of Democratic Services and Elections to make minor amendments to the Statement, as necessary.

15. REPORT OF THE MONITORING OFFICER - A.2 - "THE LOCAL GOVERNMENT ETHICAL STANDARDS REPORT DATED JANUARY 2019 FOLLOWING A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE"

There was a report submitted by the Monitoring Officer (report A.2) which enabled the Committee to consider a breakdown of:-

- (1) which of the Committee on Standards in Public Life's (CSPL) recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council had already implemented.

The Committee recalled that, at its meeting held on 3 July 2019 (Minute 7 referred), it had received an update from the Monitoring Officer on the progress being made on the implementation of the CSPL's recommendations.

Following a discussion of the issues arising in the update the Monitoring Officer had undertaken to submit to this meeting of the Committee a breakdown of:-

- (1) which of the CSPL's recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council has already implemented.

Appendix A to the Officer's report submitted to this meeting provided an update on the progress made (if any) in implementing the recommendations contained in the CSPL's report.

Appendix B to the report provided a breakdown of this Council's current practice in relation to the list of best practice recommendations to local authorities contained in the CSPL's report.

In relation to the Committee's previous resolution also made on 3 July 2019 that the Head of Finance, Revenues and Benefits Services be requested to produce for the Committee's consideration a business case for providing a general professional indemnity cover for Members, Officers and, in particular, the Independent Persons, the Monitoring Officer reported that this matter was on-going and would be reported back to Committee when progressed.

Having considered and discussed the contents of the two Appendices:-

It was moved by Councillor Harris, seconded by Councillor J Henderson and:-

RESOLVED that –

- (a) in relation to Appendices A and B, the Committee notes the updates and other information provided; and
- (b) the Monitoring Officer investigates the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria) and reports the outcome of such investigation to a future meeting of the Committee.

16. REVIEW OF THE COUNCIL'S COMPLAINTS PROCEDURE

The Committee reviewed the Council's Complaints Procedure in order to determine whether it was still 'fit for purpose'.

The Monitoring Officer highlighted two minor textual amendments which would need to be made to the Complaints Procedure namely:-

- (1) in paragraph 11.1 to amend the number of Independent Persons from two to four;
- (2) in paragraph 13.2 to include the address for the Local Government and Social Care Ombudsman.

Having considered the contents of the Complaints Procedure:-

It was moved by Councillor Harris, seconded by Councillor Steady and:-

RESOLVED, that no changes be made to the Council's Complaints Scheme at present with the exception of the two minor textual amendments to paragraphs 11.1 and 13.2 highlighted at the meeting by the Monitoring Officer.

17. CASE REVIEW AND GUIDANCE UPDATE

The Monitoring Officer drew the Committee's attention to national cases relating to:

- (1) a Councillor who had called for the Prime Minister to be "hanged for treason" but was found not to have breached the Code of Conduct;

- (2) Flintshire Council who had expanded their Code of Conduct with a 'Standard' following abusive language and gestures being made by Councillors in meetings; and
- (3) a Council Leader who had resigned from office and who had referred himself to the Ombudsman following concerns raised by the Welsh Audit Office.

The Senior Solicitor & Deputy Monitoring Officer then described for Members' benefit two cases under the previous national standards regime where an elected Member had been sanctioned by being disqualified from office. Those cases highlighted the sorts of issues that could once more arise should disqualification from office be restored as a permitted sanction following a Code of Conduct investigation and hearing.

The Monitoring Officer then made the Committee aware of:-

- (a) a recent publication by the Local Government Association of a document entitled "Councillors' Guide to Handling Intimidation"; and
- (b) an open letter to public officeholders circulated by the Chair of the Committee on Standards in Public Life on the importance of upholding high standards of behaviour in public debate. This followed recent fractious and high tempered debates on Brexit in the House of Commons in Parliament.

The Committee noted the foregoing.

18. QUARTERLY UPDATE ON COMPLAINTS

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on the one existing case from the last update, without providing any names, and went through it with the Committee explaining that, following discussion of the case with one of the Independent Persons, the matter had been referred to two of the Council's trained mediators for resolution. Following the mediators' involvement, the matter had been concluded satisfactorily with both parties agreeing a way for all future contact to be conducted. There had been no new cases arising since the last update to Members and there had been no requests for dispensations from Members.

The Monitoring Officer also informed the Committee that a complaint had been received from a member of the public in relation to a recent decision by the Planning Committee which had made reference to the Code of Conduct. However, this was being treated as a general complaint at present due to the breadth of matters contained within it.

Members were also made aware that the Monitoring Officer would shortly be delivering a refresher session on the Code of Conduct to Harwich Town Councillors.

The Committee noted the foregoing.

The meeting was declared closed at 12.02 pm

Chairman

Public Document Pack

Community Leadership Overview and
Scrutiny Committee

7 October 2019

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 7TH OCTOBER, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Skeels (Chairman), Alexander, Amos, Davidson, Knowles, Miles and Overton
Also Present:	Councillors G V Guglielmi and McWilliams
In Attendance:	Head of Democratic Services & Elections (Keith Simmons), Head of People, Performance & Projects (Anastasia Simpson), Human Resources and Business Manager (Katie Wilkins), Community Safety Manager (Leanne Thornton) and Committee Services Officer (Charlotte Cooper)

67. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Chittock (with Councillor Alexander as a substitute), Councillor Davis (with no substitute), and Councillor Clifton (with Councillor Knowles as substitute).

68. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on 5 August 2019 were approved as a correct record and signed by the Chairman.

In respect of the record of the meeting of the Committee on 5 August, Councillor Miles reflected on the need for Overview and Scrutiny Committees to be free to undertake its work free for undue influence from the Cabinet. She noted the item on the agenda for this meeting in respect of the Statutory Guidance for Councils in relation to Scrutiny and that this Guidance made the important point around the independence of the Scrutiny function.

69. DECLARATIONS OF INTEREST

There were none on this occasion.

70. CORPORATE PLAN

With the approval of the Committee, the Chairman advised that agenda item 11 would be considered at this point in the meeting.

The Committee had before it a Report of the Deputy Chief Executive – New Corporate Plan 2020-24, which invited the Committee to note the emerging Corporate Plan and determined whether it has any comments or recommendations it wished to put forward to the relevant Portfolio Holder or Cabinet.

The report included that considered by the Cabinet at its meeting on 13 September 2019 (minute 34 refers) in respect of the Draft Corporate Plan, Corporate Plan Timetable and Consultation Proposals.

With the agreement of the Committee, the relevant Portfolio Holder, Councillor G. Guglielmi (Portfolio Holder for Corporate Finance and Governance), attended the meeting and explained the emerging Corporate Plan and the process of its development to the Committee.

The Council's Head of People, Performance and Projects was also in attendance and presented to the Committee information on; the emerging Corporate Plan, Our Vision, 5 key themes, Our values, Community Engagement, and the Corporate Plan Timetable 2020-24. This presentation was then circulated to the Committee after the meeting.

Members of the Committee asked questions of the Portfolio Holder and the Head of People, Performance and Projects including in relation to the consultation with stakeholders.

After some deliberation by the Committee it was **RESOLVED**:

- (1) **TO RECOMMEND TO THE CABINET** that the work put into the comprehensive consultation on the emerging Corporate Plan be commended; and
- (2) To note the contents of the emerging Corporate Plan 2020-2024 and the deadline for consultation responses of 21 October 2019.

71. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 387

On this occasion no Councillor had submitted notice of a question.

72. STATUTORY GUIDANCE

The Committee had before it the Report of the Head of Democratic Services and Elections – New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, which invited the Committee to note the content of the report and determines whether it has any comments or recommendations it wishes to put forward to Council / the Cabinet and otherwise records it will be mindful of the guidance when it undertakes its work.

It was reported that on the 7 May 2019, the Government published new statutory guidance on overview and scrutiny in local and combined authorities. The guidance itself was issued following the report of the House of Commons' Communities and Local Government Committee of 15 December 2017 into the 'Effectiveness of Local Authority overview and scrutiny committees'. The Council's Constitution already sets out its compliance with statutory requirements for overview and scrutiny committees, the appointment of Members of those Committees, the appointment of Chairmen and Vice-Chairmen of the same, the procedures for such matters as call-in, and work programming, access to information for Members of the committees and Member-Officer protocols etc. Officers will consider the statutory guidance in their work, through the Monitoring Officer, to ensure that the constitution is kept up-to-date.

The Committee were also made aware that training for officers who present or write reports for Committees and Cabinet is being proposed for the forthcoming period and it is intended that this training will also reference the new statutory guidance.

The debate on this item referenced the extent to which there was 'parity of esteem' between the executive and scrutiny elements of the decision making processes of the Council. The promotion in the guidance of the development of an Executive-Scrutiny protocol to embed a positive and productive culture of collaborative working that respects the independence of those two elements was commented upon.

After some deliberation It was **RESOLVED**:

- (1) **TO RECOMMEND TO THE CABINET** that it receives the new Statutory Guidance on Scrutiny in Councils and considers the potential of developing an Executive-Scrutiny Protocol to address the way in which both will work together for the benefit of the Council as a whole while confirming the independence of both elements of the decision making process of the Council.
- (2) To records that the Committee will be mindful of the guidance when it undertakes its work.

73. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee were aware that this report outlined any recommendations it has made to the Cabinet, the Cabinet's response and any relevant updates. There were no recommendations nor updates to report on this occasion.

The Committee noted the contents of the report.

74. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the Provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee was advised that the report referenced the lead Officers rather than the decision maker. The decision maker for the proposed Creative and Culture Strategy would be the Cabinet and the decision maker for the revised Housing Allocations Policy would be the Portfolio Holder for Housing.

It was **RESOLVED** that the Committee noted the published list of relevant forthcoming decisions with the amendments to the decision maker as reported to it.

75. PERFORMANCE REPORT QUARTER 1 2019/20

The Committee had before it a report of the Deputy Chief Executive which presented the Performance Report for Quarter One (April – June 2019) including the Corporate Plan and Priorities and Projects 2018/19. The Committee was invited to scrutinise the

performance monitoring system and whether it is capturing the right level of data to support delivery of the Corporate Plan and its priorities and projects, and to make recommendations thereon. In addition, the Committee was requested to scrutinise whether there was performance, as identified in the monitoring data, that warranted scrutiny of an activity and to determine whether and how that scrutiny should take place; including it as appropriate in the Work Programme.

Appendix A to that report contained details of the indicators and projects relevant to the terms of reference of this Committee. Those indicators and projects were deemed 'non measureable' as this Council's role was that of 'influence only'.

Members were informed that the Performance Report for Quarter four had been presented to Cabinet on 14 June 2019. Any feedback from this Committee would be presented to a future meeting of the Cabinet as a separate reference report.

After some deliberation by the Committee it was **RESOLVED**:

- (1) That the Deputy Chief Executive be requested to consider what training should be provided to Councillors on the new format of the performance reports once these were finalised for the new Corporate Plan and the priorities under that Plan with a view to securing a wide understanding of the performance data available and improving the capacity of Members to utilise that data in their various roles.
- (2) To note the contents of the report.

76. REVIEW OF THE WORK PROGRAMME

The Committee had before it a updated work programme 2019/20. It had been expanded from that originally approved following discussions undertaken by the Head of Democratic Services and Elections with officer colleagues and the Chairman and Vice-Chairman of the Committee. Scrutiny must be Member led and as such the Committee was asked to consider the detail now submitted and confirm or amend the scope of the reviews in the work programme. This detail now included whether the relevant Portfolio Holder and others were to be invited to give evidence as part of those reviews and the expectations of this Committee for the scrutiny reviews.

After some deliberation it was **RESOLVED**:

- (1) That the Committee notes the Work Programme, endorses the new format for it and the detail of the scrutiny work of the Committee as submitted; and
- (2) To encourage Members of the Committee to further consider the detail of the Work Programme and submit comments thereon if the detail needed further refinement.

77. NORTH ESSEX GARDEN COMMUNITIES JOINT SCRUTINY PANEL

The Committee were aware that at its meeting on the 5 August 2019 (minute 66 refers) it was resolved to create a new North Essex Garden Communities (NEGC) Joint Scrutiny Panel with the Resources and Services Overview and Scrutiny Committee.

At the meeting the Council's Head of Democratic Services and Elections provided the Committee with a verbal update on the decisions taken by the Chairmen of the two

Overview and Scrutiny Committees following a process of considering the membership of the Panel. The two Chairmen proposed that the membership of the Joint Scrutiny Panel should comprise of;

Councillor M. Stephenson (Chairman)
Councillor Bush
Councillor Griffiths
Councillor Steady
Councillor Turner

Notice of the above had been submitted to the Committee in an email of 3 October 2019 from the Head of Democratic Services and Elections on behalf of the Chairmen of the Council's two Overview and Scrutiny Committees.

It was also updated that the NEGC Joint Scrutiny Panel would be holding its first meeting on 16 October 2019.

It was **RESOLVED** that the Committee endorses the decision of the Chairmen of this Committee and the Resources and Services Committee on the membership of the new NEGC Joint Scrutiny Panel.

78. SCRUTINY OF ELEMENTS OF COMMUNITY SAFETY

Further to the concerns raised at the meeting of the Committee on 1 July 2019 (Minute 55 refers), the Committee had sought to examine Community Safety issues at this meeting. The Committee's work programme identified several elements of Community Safety that were to be scrutinised at this meeting as follows:

(a) An outline of the challenges and priorities over the coming period as identified by the new Divisional Police Commander. An assessment of the issue of County Lines/Cuckooing etc. and the proliferation of drugs and the response to it.

(b) Anti-Social Behaviour – looking at data on this, hot spots in the District and changes over time. The outcome of the partnership funding of £10,000 by this Council/Essex Police for additional police patrols in July/August (did it work, how did it compare with 2018, what would be the impact if not repeated in 2020 etc), delivery of the new Anti-Social Patrol Officer (looking at the justification for the post and how it had operated, had it delivered against the rationale for being established), and the arrangements for and work involved in Community and Street Action Days – are their measures of their success?

With the agreement of the Committee, the relevant Portfolio Holder, Councillor L. McWilliams (Portfolio Holder for Partnerships) attended the meeting and expressed her appreciation for the Committee's interest in this matter and the collaborative work being undertaken.

The Committee had before it a Report of the Head of People, Performance and Projects – Speaker(s) With a Focus on Community Safety. This report sought that the Committee determines whether it has any comments or recommendations it wishes to put forward to the relevant Portfolio Holder or Cabinet.

In addressing the elements identified for scrutiny at this meeting, Tendring Community Policing Team Inspector Darren Deex was present at the meeting. He provided the Committee with a presentation and outlined the four key challenges and priorities for the Force locally were:

- Reducing Serious Violence / Knife Crime,
- Tackling County Lines & Drug Supply,
- Protecting Vulnerable People,
- Community Engagement,

The presentation then addressed all of the above separately. In respect of community engagement it was noted that the Police would producing a regular briefing document that would be sent to all Councillors advising them of key facts and progress against the above key challenges/priorities. Community engagement by the Police in Jaywick Sands was specifically touched upon at the meeting.

Details of Operation Spider were provided to the Committee. This Operation was put in place with matched funding from this Council and Essex Police to provide £20k towards additional policing of Clacton Town Centre between 1st July and 3rd September 2019. Against the objective of Operation Spider, the Committee was advised that in 2018 there had been a decline in anti-social behaviour in Clacton Town Centre, this had risen in 2019 back to similar levels as there were in 2017. However, this was mainly originating with one individual. If that additional presence had not been provided, the response to that spike in criminal behaviour would have further impacted on visible policing across the District as officers sought to respond to it. In this case, the response of the Police would also not have been as effective as it was this year due to the Council's funding. The response of the Police to the spike in criminal behaviour appeared to have been well received by businesses in the Clacton Town Centre area.

The perception and fear of crime in Clacton Town Centre at night and the impact on the late evening and night time economy in that Town Centre remained an issue to be addressed.

The Councils Safer Communities Manager was in attendance and presented to the Committee information on; Community Safety Priorities, the Safer Communities Team, The Anti-Social Behaviour Patrol Officer, and Street Action Days.

The priorities of the Community Safety Team of the Council were:

- Tackling Anti-Social Behaviour and Acquisitive Crime
- To reduce harm to and safeguard vulnerable victims (including Children)
- Reducing Violence and Knife Crime

In respect of the new Ant-Social Behaviour Patrol Officer in Clacton Town Centre, the Committee was advised that the post holder had been in post for 30 days. The following were indicators of the work in that 30 day period:

- The work pattern was 3 day time shifts, 3 late shifts followed by 3 rest days – giving a 9 day shift pattern)
- 68.5 hrs - Foot Patrol Hours
- 30.5 hrs – Admin / Briefings / Intelligence Gathering

- 6 Verbal Warnings for ASB (cycling, flytipping, kicking street furniture, fire in rubbish bin on promenade – youths caught and taken home and advice given to parents)
- 21 PSPO Warnings (begging / street drinking / loitering)
- 19 knife sweeps in town centre and periphery
- 122 active engagements with members of public and businesses

The presentation also referenced the seven Street Action Days co-ordinated by the Community Safety Team this calendar year; in Jaywick Sands, Walton-on-the-Naze, Harwich and Clacton Town Centre (Pier Ward). The numbers of streets canvassed, agencies involved, forms completed and referrals made were reported to the Committee.

Both presentations were circulated by email to the Committee's Members after the meeting.

After some deliberation it was **RESOLVED** that

- (1) The positive early evidence from the deployment of the newly established Anti-Social Behaviour Patrol Officer post at the Council be welcomed and to record that the Cabinet decision to approve the funds for this to be a permanent position appeared to be justified by this early evidence.
- (2) The Committee notes the evidence that has been received from Operation Spider, and **RECOMMENDS TO CABINET** to look favourably on any application received for achieving the same level of high visibility policing over the summer in 2020 in Clacton Town Centre.
- (3) The work programme for the Committee be amended to provide for scrutiny of the work of the new/revived Multi-Agency Coordination Panel; that has the remit of examining enforcement powers and protocols between various agencies locally to ensure that the most effective response possible is put in place to a range of criminal and anti-social behaviour. The scrutiny will be programmed for the Committee's meeting on 6 April 2020 when the Committee would envisage receiving a written report setting out the work of the MACP over the 6 months and the intentions for the following year. Indicators for success of the MCAP should be included with a commentary on progress towards those.
- (4) The Committee's view be recorded that the announcement by the Police of monthly written briefings that will be circulated to Councillors (amongst others) is a welcome move in their community engagement.

The meeting was declared closed at 9.53 pm

Chairman

This page is intentionally left blank

Public Document Pack

Resources and Services Overview and
Scrutiny Committee

14 October 2019

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 14TH OCTOBER, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Bray, Codling, Griffiths, Morrison and Turner
Also Present:	Councillor Michael Bush
In Attendance:	Paul Price (Corporate Director (Operational Services)), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Anastasia Simpson (Head of People, Performance and Projects), Michael Carran (Head of Sport and Leisure), Katie Wilkins (Human Resources and Business Manager) and Charlotte Cooper (Committee Services Officer)

19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none on this occasion.

20. MINUTES OF THE LAST MEETING

The minutes of the previous meeting held on 29 July 2019 were approved as a correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST

Councillors Allen and Turner declared that, in relation to Agenda Item 6 – Scrutiny of Proposed Decisions, they were Town Councillors on Frinton and Walton Town Council which was due to consider the ‘Spendells’ site and would submit views thereon to this Council in the near future.

22. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

23. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee were aware that this report outlined any recommendations it had made to the Cabinet, the Cabinet’s response and any relevant updates.

The report outlined one update to an item considered previously at the last meeting of the Committee on 29 July 2019 (minute 13 refers) with regards to two empty properties of the Council (Honeycroft and Spendells). In early August 2019, the Members of the

Committee had been advised it had been intended to demolish Honeycroft at the same time as another large building (which was identified as the Mermaid Building in Jaywick Sands). The advice in early August had also been that a proposal from a partner agency for the Spendells site had been at too early a stage to divulge the detail of the partner agency. The Corporate Director Operational Services advised the Committee at the meeting that the discussions with the partner agency had since been discontinued.

The Committee were further updated in respect of the unsuccessful recruitment exercise for the building surveyor/project manager role identified in the response from the Cabinet. Consequently, the Council's Building and Engineering Manager was now considering outsourcing the bulk of the process, whilst retaining overall monitoring within the department given the complexity of the demolition process. It was anticipated that a report would be submitted to this November's Cabinet meeting.

After some deliberation it was **RESOLVED** that the Committee notes the contents of the report. The issue was now marked as completed within the Recommendations Monitoring Report.

24. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee. The Committee was advised that the report referenced the lead Officers rather than the decision maker. The Committee was advised that rather than the officers identified in the report, the decisions would actually be taken by Cabinet in a meeting or by the relevant Portfolio Holder.

The list of proposed decisions include one for "The future use of Spendells House, Walton-on-the-Naze". In respect of this item Councillors Allen and Turner declared that this would be discussed at a Frinton and Walton Town Council Meeting and the recommendations of that Town Council would be sent to this Council in the near future.

After some deliberation it was **RESOLVED** that the Committee noted the list of forthcoming decisions. It did not amend its work programme to include any item on the list.

25. PERFORMANCE REPORT QUARTER 1 2019/20

The Committee had before it a report of the Deputy Chief Executive which presented the Performance Report for Quarter One (April – June 2019) ("Q1") including the Corporate Plan and Priorities and Projects 2018/19.

Appendix A to that report contained details of the 17 indicators and projects. Where performance was measured, 10 (59%) were on or above their expected targets. 5 (29%) were not currently in line with the expected performance and for 2 (12%) there was currently no data available.

Members were informed that any feedback they had from this report would be presented to a future meeting of the Cabinet as a separate reference report.

The Council's Human Resources & Business Manager (Katie Wilkins) gave the Committee an update in respect of the indicators and projects with particular focus on those indicators that were currently listed as "Behind Target".

Several Members of the Committee referenced the absence of data for 'Missed Bin Collections' and for 'Recycling Rate' in the Targets section of the Performance Report. Albeit that this was for Q1 of 2019/20, and therefore prior to the roll out of the new wheeled bin based waste collection service, Members expressed concerned that the data was not available given that it was now Q3 of that year. Although the Committee did not have Q2 data before it, there were several comments about the new wheeled bin based waste collection service rolled out in Q2. The Corporate Director (Operational Services) referenced the extent to which teething problems with the new service had occurred and he also reported on specific issues currently being faced by Veolia, the Council's waste and recycling collection contractor. In particular, the level of recycled material being collected by Veolia was proving difficult to accommodate in the separate weekly rounds that took place in the District on Thursdays. The Corporate Director confirmed that for the performance data the Council used verified data received from Essex County Council and it was the absence of data from the County Council that meant that this had been reported as unavailable in the Q1 performance report submitted to the Committee. There was therefore no guarantee that he could give that this data would be available for the Q2 and subsequent reports.

Consideration was also given to the element of the report on Jaywick Sands which recorded the targets there as "Behind Target" and indicated that several milestones of the target were 'currently on hold'. The Corporate Director (Operational Services) advises the Committee that a key issue in respect of this was an updated flood risk assessment currently being undertaken by the Environment Agency to take account of climate change predictions. This was anticipated in 2-3 weeks and would be used to develop a spatial plan for the area. This spatial plan was critical to avoid poorly co-ordinated piecemeal development that did not maximise the opportunities of development to revitalise the area. Officers agreed to seek a response to a Member's question on this issue.

In respect of the target of achieving 'Cloud migration' planning and for 40% of services to be migrated (within the aim of Creating a Quality Environment for our Staff), a question was asked about the use of Microsoft Office 365 and there was a concern expressed that this was a more costly option when compared with other options.

After some deliberation by the Committee it was **RESOLVED** that the Committee notes the contents of the Performance Report Quarter 1 2019/20; records its thanks for the staff of the Council in respect of the work undertaken as recorded in the Performance Report and determines that it shall for the time being continue to seek an update in these Performance Reports on the project 'Transforming Tendring'.

26. CORPORATE PLAN

With the approval of the Committee, the Chairman identified that Agenda item 10 – Corporate Plan, would now be considered at this point in the meeting.

The Committee had before it a Report of the Deputy Chief Executive – New Corporate Plan 2020-24, which sought that the Committee note the new Corporate Plan 2020-24 and determined whether it has any comments or recommendations it wishes to put forward to the relevant Portfolio Holder or Cabinet.

The report to this Committee also included the report to the Cabinet meeting on 13 September 2019 (minute 34 referred) in respect of the Draft Corporate Plan, Corporate Plan Timetable and Consultation Proposals.

The Council's Head of People Performance and Projects was in attendance and presented to the Committee key elements from the above. This presentation was then circulated to the Committee after the meeting.

After some deliberation it was **RESOLVED** to note that the deadline for consultation responses on the emerging Corporate Plan was 21 October 2019.

It was then further **RESOLVED** that this Committee recommends to Cabinet that the content of the emerging Corporate Plan 2020-2024 should be supported.

27. REVIEW OF THE WORK PROGRAMME

The Committee had before it an updated Work Programme 2019/20 that outlined the scrutiny to be undertaken by this Committee in the remainder of that Municipal Year. It had been expanded from that originally approved following discussions undertaken by the Head of Democratic Services and Elections with officer colleagues. Scrutiny must be Member led and as such the Committee was asked to consider the detail now submitted and confirm or amend the scope of the reviews in the work programme; including the expectations of this Committee for the scrutiny reviews. This detail would be further expanded to include whether the relevant Portfolio Holder and others were to be invited to give evidence as part of those reviews.

The Committee also had referred to it the decision of the Community Leadership Overview and Scrutiny Committee on 5 August 2019 (Minute 64 referred) that this Committee scrutinise the budget arrangements for the delivery of 200 homes agreed by Cabinet at its meeting on 19 July 2019, and as part of that exercise to examine the financial deliverability of building up to 500 new homes, as suggested in the statement by the Leader of the Liberal Democrat Group, and where this number of new council homes could actually be accommodated.

After some deliberation it was **RESOLVED** that:

- (1) The Work Programme for the Committee be amended to accommodate an interim scrutiny of the implementation of the new waste and recycling collection service at the meeting of the Committee scheduled for 28 November 2019. Veolia (the contractor undertaking the service) and the Portfolio Holder for Environment and Public Space are to be invited to this meeting to provide information on that implementation and to respond to questions thereon.

- (2) Further to (1) above, the Chairman of the Committee be authorised to seek the views of all District Councillors on the implementation of the new waste/recycling service and possible, the experiences of the residents of their Wards and possible questions for Veolia's representatives and the Portfolio Holder with a view to these being collated and assist the Committee in its interim scrutiny.
- (3) The Chairman of the Committee and the Head of Democratic Services and Elections be requested to consider arrangements for the annual budget scrutiny, currently scheduled in the Work Programme for 16 December 2019 and 8 January 2020 (commencing at 9.30am on both days) with a view to developing proposals to conduct that scrutiny (and that therefore may change the arrangements in the Work Programme); the proposals would then be submitted to the members of this Committee for consideration.

28. NORTH ESSEX GARDEN COMMUNITIES JOINT SCRUTINY PANEL

The Committee were aware that at its meeting on the 29 July 2019 (minute 15 referred) it was resolved to create a new North Essex Garden Communities (NEGC) Joint Scrutiny Panel with the Community Leadership Overview and Scrutiny Committee.

At the meeting the Council's Head of Democratic Services and Elections provided the Committee with a verbal update on the decisions taken by the Chairmen of the two Overview and Scrutiny Committees following a process of considering the membership of the Panel. The two Chairmen proposed that the membership of the Joint Scrutiny Panel should compromise of;

Councillor M Stephenson (Chairman)
Councillor Bush
Councillor Griffiths
Councillor Steady
Councillor Turner

Notice of the above had been submitted to the Committee in an email of 3 October 2019 from the Head of Democratic Services and Elections on behalf of the Chairmen of the Council's two Overview and Scrutiny Committees.

It was also announced that the NEGC Joint Scrutiny Panel would be holding its first meeting on 16 October 2019.

It was **RESOLVED** that the Committee endorses the decision of the Chairmen of this Committee and the Community Leadership Overview and Scrutiny Committee on the membership of the new NEGC Joint Scrutiny Panel.

29. CORPORATE BUDGET AND FINANCIAL FORECAST MONITORING 2019/20 FIRST QUARTER

The Committee had before it a report of the Deputy Chief Executive – Financial Performance Report – in Year Performance against the budget at end of First Quarter 2019/20 and Long Term Financial Forecast Update, which provided an overview of the Council's financial positions against the budget as at the end of June 2019 and to

present an updated forecast on an on-going basis as part of developing the budget for 2020/21 and beyond.

The report invited the Committee to consider the in-year financial position of the Council as at the end of June 2019 and determine whether it had any comments or recommendations it wished to make or put forward to the relevant portfolio holder or Cabinet; and that it considered the updated long-term financial forecast update and determines whether it has any comment or recommendations it wished to make to Cabinet as part of the financial strategy consultation process.

The Committee was made aware that on 13 September 2019 Cabinet had considered a Financial Performance Report, which was attached as Appendix A to the report to this Committee. It was reported that Cabinet had resolved:

- (1) In respect of the financial performance against the budget at the end of June 2019:
 - (a) The position be noted; and
 - (b) The proposed in-year adjustments to the budget, as set out in Appendix H to the report, be approved, with the additional requirement that the fund of £1.134million set aside for investment in the Council's property assets be spent in such a way as to reduce future cost pressures and to contribute to the Council's commitment to carbon reduction.
- (2) In respect of the Updated Long Term Financial Forecast, the updated forecast be agreed and that the Resources and Services Overview and Scrutiny Committee be consulted on the latest position.

In response to individual questions of Members, the Head of Finance, Revenues & Benefits Services reported:

- The first three years of the 10 year financial plan had seen significant savings be achieved. The reason why the increase in the annual target for savings was rising from £300K to £450K over the remaining 7 years of that plan was a reflection on cost pressures that had arisen following the commencement of the 10 year plan.
- The payments to the Council in respect of the former M&S store in Clacton Town Centre amounted to approximately £200K per year.
- If a major emergency were to occur and the Council needed to respond it would seek to recover costs incurred under the Bellwin scheme. This scheme provided for government emergency financial assistance to reimburse local authorities for costs incurred on, or in connection with, their immediate actions to safeguard life and property or to prevent suffering or severe inconvenience as a result of a disaster or emergency in their area.
- The funds held by the Council for Disability Facilities Grants were released for those in private sector housing in response to an assessment by the Essex County Council Occupational Therapist of the facilities needing to be installed.
- The Capital Scheme for Clacton Multi Storey Car Park was to reflect the fact that the expected life of the current structure had now been fulfilled. While there was no reason to consider there was an imminent need to replace the structure it was appropriate to include the full sub to replace it and to continue to inspect/monitor the structure.

- The Capital Scheme for Bath House Meadow Security Measures was a scheme to deter unauthorised use of that meadow.
- While the complete figures as to financial support of £2.25m for the North Essex Garden Communities company (NEGC Ltd) and the approved use of £905K of that sum were not in the report submitted to Cabinet and this Committee, he intended to adjust the reports to report these details in the future.

During the discussion of this item there were suggestions about potential income generation ideas (involving the building and selling of Beach Huts), the extent to which the reserves of the Council were appropriate and otherwise could be made to work for the Council while the projects they were there to fund were not requiring expenditure, the extent to which savings had been made that then resulted in a need for spending authorised by way of 'one-offs'.

After some deliberation it was **RESOLVED** that:

- (1) The Committee notes the contents of the report;
- (2) Requests that, for its meeting on 28 November, it should have submitted to it a complete list of reserves and provisions; and
- (3) Amends the Committee's Work Programme to identify that it intends to look at income streams for the Council to contribute towards the savings target of £450K per year in the Revenue Budget.

30. REVIEW OF THE BUSINESS CASE FOR THE FUTURE OF PUBLICLY OWNED LEISURE CENTRES WITHIN THE DISTRICT

The Council's Head of Sport and Leisure was in attendance to present to the Committee a verbal update on the development of the proposed Business Case for the future of publicly owned leisure centres within the District. He advised the Committee that later in this Calendar Year there was intended to be consideration by Cabinet of a 10 year Strategy for Sports facilities in the District as provided by the Council. The underpinning themes of the new Strategy were reported as:

- (1) Securing the financial sustainability of the Council's leisure and sports facilities.
- (2) Seeking to harness the work being undertaken with Sport England to break the cycle of inactivity and consequential health problems and design services that will align with the outcomes of the project.
- (3) Adjusting the service offer and pricing policy to respond to the changing market in leisure facility provision nationally and attract more users.

He also pointed out that the agreement for joint use facilities in Brightlingsea, Harwich and Manningtree had a term that would come to an end in the next 2-3 years.

The Committee was also advised that the Football Foundation had identified the appropriateness of 3rd generation artificial pitches (3G pitches) in Clacton, Harwich and Walton and the Council would work with partners to respond to the Foundation's assessment.

Each project under the intended Business Case for the future of publicly owned leisure centres within the District would need to be separately assessed and approved in the

same way as the project for asset investment for Clacton leisure Centre had when it was considered by Cabinet on 11 October 2019. For reference, the Committee had before it a report of the Portfolio Holders for Corporate Finance and Governance and Leisure and Tourism Business Plan for Clacton Leisure Centre to the Cabinet held on 11 October 2019.

Several Members of the Committee asked questions about the financial basis of the proposals in the report to Cabinet on Clacton Leisure Centre asset investment. Likewise there were questions about the timing of the project in view of the peak in gym memberships occurring in January each year. There were concerns expressed about the absence of consultation with members and users of the Centre about the proposals and issues such as disabled access to different areas within the Centre based on the proposals set out in the report. Questions also spanned the potential for use of the photo-voltaic cells on the roof of the Centre to generate electricity.

There were further questions around procurement and contract management for the project; given the previous experience of works at the Centre (a lift near the Spa Pool that failed to work repeatedly).

The Head of Sport and Leisure informed the Committee that there had been some slippage in the scheme programme and it was now unlikely to commence at the end of November 2019. The duration of the project was reported as being five weeks.

After much deliberation by the Committee it was **RESOLVED TO RECOMMEND TO CABINET:**

- (1) That the asset improvement works to Clacton Leisure Centre as approved by the Cabinet Committee on 11 October 2019 not be commenced until after the end of January 2020 and that before those works commence consultations are undertaken with Members and other users of the Leisure Centre on the works and the findings of those consultations reported on and considered; and
- (2) That the detail of the cost implications of the individual elements of the project be fully reported on and considered.

The meeting was declared closed at 10.20 pm

Chairman

Public Document Pack

Human Resources and Council Tax
Committee

23 October 2019

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON WEDNESDAY, 23RD OCTOBER, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Amos, Calver, Clifton, King, Morrison and M Stephenson
In Attendance:	Martyn Knappett (Deputy Chief Executive (Corporate Services)), Anastasia Simpson (Head of People, Performance and Projects), Carol Magnus (Organisational Development Manager), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Katie Wilkins (Human Resources and Business Manager) and Leanne Thornton (Safer Communities Manager)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Broderick (with Councillor King substituting), Chittock (with no substitute) and S Honeywood (with Councillor Amos substituting).

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Griffiths, seconded by Councillor Amos and:-

RESOLVED that the minutes of the meeting of the Human Resources and Council Tax Committee, held on Wednesday 20 February 2019, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

For the record and as a point of information, Councillor Griffiths reminded the Committee that he was a member of the GMB union and a Shop Steward but not at Tendring District Council.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

5. APPRENTICESHIPS AND CAREER TRACK

The Committee received a verbal update from the Organisational Development Manager (Carol Magnus) regarding Apprenticeships and Career Track. The information presented to the Committee included apprenticeship statistics, learning programmes, marketing and promotional activities, recent external appraisals and detail of apprentices that had secured permanent employment or had gone on to university following the completion of their learning programme.

Members raised questions which were responded to by the Organisational Development Manager, as appropriate.

The Committee noted the foregoing.

**6. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.1 -
LEARNING AND DEVELOPMENT AND INVESTORS IN PEOPLE UPDATE**

There was submitted a report by the Deputy Chief Executive (Corporate Services) (A.1) presented to the Committee by the Organisational Development Manager (Carol Magnus) which provided it with an update on Learning and Development activity during 2018/19 and the Investors in People Gold Assessment.

Learning and Development Activity

It was reported that throughout the financial year 2018/19 a number of new courses had been centrally organised as part of the Organisation Development function. One of the main areas for attention had been that of giving more junior or less experienced staff skills training on note-taking, report writing and handling conflict.

Priorities during this period had included increasing the Authority's understanding of, and support for, mental health related issues which had culminated in the organisation signing the Time To Change Pledge in January 2019. A significant focus had been on preparing staff to work more flexibly and with greater autonomy. Two programmes had been key to this: InDependence and Managing Remote Teams. All courses had been delivered by external providers working very closely with the Organisational Development Manager and the HR Operations Manager on design, development and content. The InDependence programme had been designed and developed by the Organisational Development Manager with input from an organisation psychologist. The workshops had then been delivered by a team of six internal managers who had been trained in how to deliver the programme. Initial feedback reaction to this programme had been positive and a further evaluation was being developed to assess how the learning had enhanced practice within the workplace.

The Committee was also made aware that the staff sponsorship programme continued to be well-used and the principle of 'grow our own' was well-established. Currently there were two staff studying a degree to become planners, one was undertaking a degree in IT. All staff in receipt of sponsorships were meeting or exceeding the minimum requirements of their course and a number were on target to achieve distinctions. Recently three staff had completed degrees and all had gained a First. Those subjects were Environmental Health, Planning and Building Surveying.

In addition, via the new Apprenticeship route five staff were currently undertaking degrees - one in Management, two in Building Surveying and two in IT.

Members noted that additional development of staff for their specific technical areas of expertise as part of ongoing continuous professional development was identified and organised by their respective departmental managers.

In addition, the organisation's e-learning platform had been completely re-designed and updated. A 'soft' roll out was currently underway.

Investors in People

Members recalled that in December 2015 the Council had been assessed against the Investor in People Gold standard and had achieved IIP Gold accreditation. Since that time the Council had had to undertake a process of moving across from the Generation 5 to Generation 6 IIP standards. That process had included a review of the benchmarking evidence and the new standards and award process were substantially different.

In summary the new standard was as follows:

- (1) High Performing;
- (2) Advanced;
- (3) Established; and
- (4) Developed.

The Committee was made aware that the Council needed to ensure that the majority of evidence presented as part of the Re-Assessment process was in the Advanced category in order to maintain Gold Status.

Members were informed that in December 2018 the Council had been formally assessed against the new Standards. This had been a more exacting process than the previous system as it included not only interviews but also results from an all staff survey.

In Spring 2019 it had been confirmed that this Council had retained its Gold Status. This was an excellent achievement against a tough benchmark and was a demonstrable sign that the Council continued to develop and support its staff at all levels. The Council had then received a report on the findings. This had been extremely positive overall and on 26th March 2019 the Leader of the Council had announced at Cabinet that the organisation had been assessed and had retained its Gold Award.

The Committee was informed that as with any good report it had also provided recommendations for next steps, many of which were already in hand. They included:-

- *Further work to develop great leaders, e.g. aspiring leaders and 3rd /4th tier managers*
- *Address slippage in 1:1s and team meetings*
- *Staying ahead of the change curve having a clear vision for economic growth and prosperity*
- *Consider another IIP survey in December 2019 to confirm improvements and outcomes, following Transformation*
- *Embed succession planning at Tier 1 and 2 levels*
- *Develop communications plan for all Council activities*
- *Celebrating achievements and PR*
- *Make the most of every possible opportunity regarding the Transformation Programme work streams – people, channel shift, digitisation, accommodation*
- *Continually review how the organisation recognises and rewards people.*

Members raised questions which were responded to by the Head of People, Performance and Projects (Anastasia Simpson) and the Organisational Development Manager (Carol Magnus).

Having considered the contents of the report:-

It was moved by Councillor Calver, seconded by Councillor Griffiths and:-

RESOLVED, that the contents of the report be noted, with the Committee's thanks and appreciation.

7. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.2 - STAFF HANDBOOK

There was submitted a report by the Deputy Chief Executive (Corporate Services) (A.2), presented to the Committee by the Head of People, Performance and Projects (Anastasia Simpson) which informed it that a number of minor amendments had been made to the Staff Handbook in order to reflect structural changes within the organisation and to incorporate updates to other key corporate policies and legislation.

Members were informed that the purpose of the Staff Handbook was to provide an employee with a guide to both the Council and the terms and conditions affecting their contract of employment. It comprised five main parts:

- Terms and Conditions
- Remuneration and Benefits
- Core Policies and Procedures
- Policies and Guidelines
- Career Development

It was felt that the updated Staff Handbook would ensure that the Council maintained its high standard of employment practices and remains an employer of choice.

The Committee was advised that though the production and upkeep of the Staff Handbook was delegated to the Head of People, Performance & Projects in conjunction with the Deputy Chief Executive it had been considered that the new Members of the Committee might find the presentation of this document useful, in terms of their introduction to staffing matters within the Council. A copy of the Staff Handbook was before Members as an Appendix to the Officer's report.

Members raised questions which were responded by the Deputy Chief Executive (Martyn Knappett) and the Head of People, Performance and Projects (Anastasia Simpson).

Having considered the contents of both the report and the Staff Handbook:-

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

RESOLVED, that -

- (a) the contents of both the report and the Staff Handbook be noted; and

- (b) in view of the concerns expressed as to hours potentially worked the Head of People, Performance and Projects be requested to review Section 36 (Election Duties) of the Staff Handbook.

8. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.3 - SAFEGUARDING POLICY AND PROCEDURES

There was submitted a report by the Deputy Chief Executive (Corporate Services) (A.3) presented to the Committee by the Community Safety Manager (Leanne Thornton) which submitted to the Committee the revised 'Safeguarding Policy and Procedures'.

The Committee was informed that the existing Safeguarding Policy had last been reviewed in November 2017. Since then there had been significant changes across the safeguarding agenda and the Safeguarding Policy and Procedures had therefore been significantly updated in line with the Southend, Essex & Thurrock (SET) Safeguarding Guidelines for both Children and Adults.

In addition at the back of the revised policy there were procedures so staff knew when there was an immediate Safeguarding risk and when the risk was not immediate and also a procedure for allegations against staff. Also included was a new Safeguarding Reporting Form so staff could download the form and send it through for triage if they had a concern but did not want to raise an incident to Essex County Council direct without it being noted internally first.

Members were advised that in reviewing and updating the Policy, it was important that the Council could demonstrate a commitment to how it thought and acted in relation to safeguarding concerns and incidents in the workplace but also ensure that employees were supported when they raised a Safeguarding Concern. By adding in the new reporting form and quick guide all staff and Members should know how and when to raise a concern.

Members raised questions which were responded to by Officers.

Having considered the contents of both the report and the revised Safeguarding Policy and Procedures attached as an appendix to the Officer's report:-

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

RESOLVED that the Deputy Chief Executive be requested to investigate the appropriateness and practicalities of introducing DBS checks for all Members of Tendring District Council (such as the budgetary and legal ramifications) and that the outcome of such investigations be reported to a future meeting of the Council (having first been submitted to the Standards Committee for its recommendations) for its consideration and determination.

It was then moved by Councillor Griffiths, seconded by Councillor Clifton and:-

RESOLVED that –

- (a) the updated Safeguarding Policy and Procedures be formally adopted; and

- (b) the Head of People, Performance and Projects be authorised to amend the Policy in order to incorporate legislative changes or best practice updates.

9. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.4 - STAFFING STATISTICS REPORT

There was submitted a report by the Deputy Chief Executive (Corporate Services) (A.4) presented to the Committee by the Human Resources and Business Manager (Katie Wilkins), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full-Time and Part-Time;
- (2) Gender Profile (including Gender Pay Gap figures);
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence (information was included on the management procedures and preventative action taken together with the sources of support available for staff).

Officers responded to questions raised by Members on various topics and where an answer was not immediately available, the Human Resources and Business Manager undertook to respond to Members as soon as possible after the meeting.

Following discussion it was **RESOLVED** that the contents of the report be noted.

10. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - A.5 - HUMAN RESOURCES SUB-COMMITTEE PANEL: APPOINTMENT OF THE NAMED SUB-COMMITTEE MEMBER AND THE NAMED SUBSTITUTE SUB-COMMITTEE MEMBER FROM AN OPPOSITION GROUP

There was submitted a report by the Deputy Chief Executive (Corporate Resources) (A.5) presented to the Committee by the Deputy Chief Executive (Martyn Knappett) which sought to enable the Committee to appoint a named member and a named substitute member from an opposition group to serve on the Human Resources Sub-Committee Panel.

Members were informed that the former Human Resources Committee, at its meeting held on 15 November 2016 (Minute 14 referred), had considered a joint report by the Chief Executive and the Monitoring Officer, which provided that Committee with details of changes to the Officer Employment Procedure Rules.

The Officers' report had recommended that a Sub-Committee Panel of the Committee be constituted to form part of the recruitment, dismissal and disciplinary process for the appointment of Senior Officers. This included the Chief Executive and other Statutory Chief Officers (Section 151 and Monitoring Officer posts), Chief Officer posts (Corporate Directors) and all Deputy Chief Officers (Heads of Service).

That report had also recommended that the Panel would undertake the final interview of those applicants for Senior Officer posts who had successfully been shortlisted and had undertaken the necessary technical interviews and assessments. The Panel would be a formally constituted sub-committee of the Committee, established by the Council. It was

proposed that the Panel should comprise of three members. At least one was required by legislation to be a member of the Cabinet, (to be appointed by the Leader of the Council at the appropriate time) however, it was suggested that this could be the relevant Portfolio Holder for the service concerned. The Panel should also include the Chairman (or failing him/her the Vice-Chairman) of the Committee and a named Committee member from an opposition group (full Council would appoint the named individual).

After due consideration of the whole report the Committee had, inter alia,:-

“RECOMMENDED TO COUNCIL that:

- (a) a sub-committee of Human Resources Committee be formed to act as a Panel and to discharge the functions as set out in the report;*
- (b) the terms of reference of the Human Resources Committee be amended to include the function of the sub-committee Panel;*
- (c) the requirements of political balance be dispensed with for the sub-committee Panel;*
- (d) a named committee member (and a named substitute committee member) from an opposition group be appointed;”*

Full Council had considered the Committee’s recommendations at its meeting held on 29 November 2016 (Minute 101 refers) and had, inter alia, **RESOLVED**:-

“(b) that the recommendations to Council, as contained in Minute 14 of the Human Resources Committee of 15 November 2016, be approved, subject to Councillor Calver and Councillor Bray being appointed as the named committee member and the named substitute committee member from an opposition group respectively.”

The Committee was advised that, following the District Council Elections held in May this year it was now required to re-appoint the named committee member and the named substitute committee member from an opposition group.

Members were made aware that in making those appointments the Committee would be permitted to choose from the following four opposition group members of the Committee:-

Councillor Garry Calver
Councillor Paul Clifton
Councillor Pam Morrison
Councillor Mark Stephenson

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

RESOLVED, that Councillor Calver be appointed as the named committee member from an opposition group on the Human Resources Sub-Committee Panel.

It was then moved by Councillor Chapman, seconded by Councillor Clifton and:-

RESOLVED, that Councillor Morrison be appointed as the named substitute committee member from an opposition group on the Human Resources Sub-Committee Panel.

11. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Griffiths, seconded by Councillor Chapman and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 12 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

**12. REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE SERVICES) - B.1 - A
MARKET FORCES REPORT FOR A POST WITHIN LEGAL SERVICES**

RESOLVED that the Human Resources and Council Tax Committee agrees that the Market Forces Supplement be applied to the specified post within Legal Services, for a period of two years, in line with the Council's approved Market Forces Policy, at which point a further review will be undertaken.

The meeting was declared closed at 9.00 pm

Chairman

Public Document Pack

Planning Policy and Local Plan Committee

29 October 2019

MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE, HELD ON TUESDAY 29 OCTOBER 2019 AT 6.00 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY, CO16 9AJ

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Broderick, Chapman (except minutes 19 (part) and 20), Davidson, S Honeywood, Newton, Scott and M Stephenson
Also Present:	Councillors Davis, P Honeywood and Wiggins
In Attendance:	Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Gary Guiver (Planning Manager), Will Fuller (Planning Officer) and Katie Sullivan (Committee Services Officer)

9. CHAIRMAN'S OPENING REMARKS

"Good evening fellow Members, Officers and to our public.

Welcome to the second meeting of the Planning Policy and Local Plan Committee.

Since our last meeting in July a lot has happened.

The first part of that meeting was to discuss and agree the new Sustainability Appraisal and other evidence for the Garden Communities. This is known as Section 1 of the new District Plan. The Committee did agree the report and then went onto Full Council to ratify. I am pleased to tell you that our first report went through Full Council without any amendments and all in favour. Unlike our neighbours Colchester Borough Council and Braintree District Council, who did ratify their sections, but with amendments and dissenters.

Those amendments were in relation to the Housing Infrastructure Fund. The bids made to this fund by another partner Essex County Council were successful. The bids that are important to Tendring are £69m for a link road between the A133 and the A120 and a further £30m for a Rapid Transport System to join up the proposed Garden Community with Colchester. A date for the Public Consultation on routes and the type of Rapid Transport System will be made by Essex Highways very soon. The date and a link will be available on our Planning website.

The rest of that agenda was for Housing Land Supply with an update. There is still a major point of discussion between the Examining Inspector and his colleagues. This is to be resolved in the New Year, when the public examination of the emerging District Plan will recommence on the 14th January 2020. It is to consider the 1000+ responses the North Essex Authorities have received to the final 6 week consultation on the Sustainability Appraisal, other evidence and suggested amendments for the section 1 Local Plan.

The last report we saw for RAMs, Recreational Disturbance Avoidance and Mitigation Strategy. This has appeared in every appeal decision I have read and it is a stopper on development where land has not been allocated for building. There will be a Public

Consultation starting in January. I will ask the Officers for the date, links and contacts to be placed on the Planning website.

On tonight's agenda we have before us five reports, four of which we will decide. Item nine is for comments to go to Cabinet, that is the Heritage Strategy and it forms but one part of a larger over reaching Policy.

Before I start the meeting, do any Members have any queries or comments that they would like to make?"

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bush (with Councillor M E Stephenson substituting) and I J Henderson (with Councillor Davidson substituting).

11. MINUTES OF THE LAST MEETING OF THE COMMITTEE

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on Tuesday 16 July 2019 be approved as a correct record and be signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were none on this occasion.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

14. PUBLIC SPEAKING

The Chairman invited the following persons to address the Committee:-

Bill Marshall, a resident of the district, made a statement relating to item A.1 raising his concerns in regards to the 6 week Public Consultation not being advertised. Mr Marshall also raised concerns in regards to Section 1 and Section 2 and stated that further work and evidence was required prior to consideration.

It was agreed by the Chairman that Mr Marshall could address the Committee on items A.2 to A.5 on the agenda at the time the Committee started to consider them during the meeting.

15. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - EMPLOYMENT LAND

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.1) which:-

- a) reported the findings of the latest 'Employment Land Review' for Tendring which updated the evidence base in support of the employment land policies in the emerging Local Plan;

- b) sought its endorsement for suggested amendments to the employment land policies aimed at ensuring that they are up to date, addressed some of the constructive criticisms raised during public consultation and were as robust and effective as possible; and
- c) sought its agreement for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the Local Plan in 2020.

The Committee recalled that one of the objectives of the planning system, both at a national and local level, was to build a strong, responsive and competitive economy. The Council's emerging Local Plan sought to support economic growth and job provision through a variety of means, including through the protection and future provision of 'employment land' – i.e. land for business and industrial use in classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution).

Employment Land Review

Members were reminded that the 'Employment Land Review' was part of the evidence base to inform the Local Plan's employment land policies and to help determine which sites to protect or allocate for business and industrial use.

An Employment Land Review had initially been undertaken by consultants on behalf of the Council in 2013 and had been updated in 2016 and again in 2019. Key findings from the latest 2019 update included the following:

- Projected demand for additional employment land (over and above existing sites already in employment use) was forecast to be low for the period to 2033 (between 0 hectares and 9 hectares), based on market trends and analysis of different scenarios.
- Sites with extant outline or detailed planning permission already accounted for over 27 hectares of future employment land and an additional 17 hectares were allocated for employment use in the emerging Local Plan and were available to the open market.
- A further 53 hectares of land across a variety of additional sites had been assessed for their potential suitability for business and industrial use and those might provide options for further development in the longer term (potentially through a future review of the local Plan).
- The existing range of operational employment sites across the District continued to play an important role in meeting the needs of existing businesses and most should continue to be protected, however, some sites had been identified as not suitable for further business activity beyond the specific requirements of their current occupiers and could be considered for alternative forms of development if current operations were to cease.

Overall, the Employment Land Review had demonstrated that there was already more than enough employment land available in Tendring to meet projected demand for business and industrial floor space up to 2033 and there was consequently no need to

include any additional land in the emerging Local Plan over and above what was already allocated.

Policy SP4 – Providing for Employment

It was reported that Policy SP4 within Section 1 of the emerging Local Plan set out the overall employment land targets for each of the North Essex Authorities (Tendring, Colchester and Braintree) for the period up to 2033. As published, the plan currently proposed a range of between 20 and 38 hectares of employment land for Tendring; although this was set to be revised down to a range of 12 to 20 hectares in line with the Local Plan Inspector's interim conclusions following the examination hearings that had taken place in 2018. The latest Employment Land Review broadly supported the view that based on up to date projections, the future requirement for additional employment land was likely to be lower than originally predicted.

Policy PP6 – Employment Sites

Members were informed that Policy PP6 within Section 2 of the emerging Local Plan sought to protect existing operational sites for employment use. However, having considered some of the constructive criticisms submitted by various parties as part of the last Local Plan consultation in 2017, Officers believed that the wording of the policy could be simplified and that the plan would also be greatly improved if the policies maps and local maps could expressly show the location of the existing employment sites to be protected – as opposed to requiring the reader to refer separately to the latest Employment Land Review document. Officers were therefore requesting the Committee's agreement to put forward some amendments to Policy PP6 for the Planning Inspector's consideration as part of the examination.

Having considered the findings of the updated Employment Land Review, Officers' suggested amendments would include identifying the following employment sites as protected sites in the Local Plan:

- Ford Road (Newman) Industrial Estate, Clacton;
- Oakwood and Crusader Business Park, Clacton;
- Gorse Lane Industrial Estate, Clacton;
- Valleybridge Road Industrial Estate, Clacton;
- Oxford Road Industrial Estate, Clacton;
- SATO Site, Valley Road, Harwich (supporting the current planning proposal to reconfigure the factory within its site alongside new housing);
- Durite Works, Valley Road, Harwich;
- Mercedes Site, Bathside, Harwich;
- Europa Way, Harwich;
- Kirby Cross Trading Estate, Clare Road, Kirby Cross;
- Harmer's Foundry, Walton on the Naze;
- Lawford Dale Industrial Estate, Manningtree;
- EDME Maltings, Mistley (working with owners to secure the future re-use of heritage buildings);
- Crisp Maltings, Mistley;
- Mistley Marine, Mistley;
- Mistley Port, Mistley;
- Morses Lane Industrial Estate, Brightlingsea;

- Shipyard Estate, Brightlingsea;
- Old Ipswich Road, Ardleigh.
- Lanswood Park, Elmstead Market
- Plough Road Centre, Great Bentley;
- Martell's Pit Industrial Estate, Ardleigh; and
- Rice Bridge Industrial Estate, Thorpe le Soken

The proposed simplified wording to Policy PP6, which would apply to the above sites, was set out in the Officer's report and in Appendix 2 thereto.

Policy PP7 – Employment Allocations

The Committee was made aware that Policy PP7 within Section 2 of the emerging Local Plan contained the list of sites that were allocated for future business and industrial development. The policy currently listed 8 sites with the potential to deliver between 19 and 22ha of employment land up to 2033 and further development beyond; but this list did not provide an accurate and up to date representation of the full range of employment sites (amounting to some 37ha) that were available for inward investment, many of which already benefited from outline or detailed planning permission. This included 11.2 hectares of land south west of Horsley Cross which had now obtained detailed planning permission.

Whilst 37 hectares was well in excess of the projected employment land requirement, there was nothing to stop the Council making an 'over-allocation' of employment land and, if anything, this would ensure a choice of opportunities for potential inward investment to help create jobs in line with the Council's priorities.

Officers considered that the plan would be improved if Policy PP7 could be updated to include all of the available employment sites and therefore were requesting the Committee's agreement to put forward some amendments for the Planning Inspector's consideration as part of the examination. The proposed amended wording to Policy PP7 was set out in the Officer's report and in Appendix 2 thereto.

It was also recommended that the Local Plan's policies maps and local maps would be amended to show all of the sites listed in the above policy.

Policy PP13 – The Rural Economy

Members were advised that a large section of Policy PP6, as currently worded, related to farm diversification schemes and other rural employment developments as opposed to existing protected employment sites. In suggesting a simplification of Policy PP6, Officers were also requesting the moving of the wording relating to farm diversification schemes into Policy PP13 which specifically related to the rural economy. Officers considered that this would be a more logical place for such policy wording to be provided.

Making amendments to the Local Plan

The Committee was aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector had the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the Plan. Whilst

it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was recommended that the changes outlined in this Officer report be put forward to the Inspector for their consideration, at the appropriate time.

Matters raised by Members included issues in regards to derelict employment land, protection of employment land and encouragement for farms to diversify.

Having considered and discussed the information and advice contained in the report and the appendices thereto:-

It was moved by Councillor Scott, seconded by Councillor Fairley and unanimously:-

RESOLVED that -

- (a) the findings of the 2019 update of the 'Tendring Employment Land Review (ELR) undertaken by Hatch Regeneris and BE Group (September 2019) (as set out in Appendix 1 to item A.1 of the Report of the Corporate Director (Planning and Regeneration)) be noted and be included in the Local Plan evidence base;
- (b) the Officers' suggested amendments to Policy PP6, Policy PP7 and Policy PP13 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in the aforementioned report and Appendix 2 thereto be approved;
- (c) the Head of Planning be authorised to put forward the suggested amendments to Policies PP6, PP7 and PP13 to the Planning Inspector for their consideration as part of the examination of Section 2 of the emerging Local Plan; and
- (d) farmers within the District should be encouraged to take up telecommunications projects on their properties in order to boost jobs and help provide a better telecommunications infrastructure in the District.

16. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - DRAFT HOUSING STRATEGY AND PLANNING POLICY FOR AFFORDABLE HOUSING

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.2) which:-

- a) presented the draft Housing Strategy for consultation and any comments for Cabinet's consideration;
- b) reported the current position in respect of delivering affordable housing and the practical issues that had arisen in the application of the Council's emerging Local Plan policies;
- c) sought its endorsement for suggested amendments to the emerging Local Plan's affordable housing policy aimed at maximising the delivery of affordable housing in light of weak delivery in the past; and

- d) sought approval for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the emerging Local Plan in 2020.

The Chairman invited Bill Marshall to address the Committee:-

Bill Marshall, a resident of the district, made a statement relating to item A.2 raising his concerns in regards to National Planning Policy Framework Paragraphs 34 and 64. Mr Marshall urged Officers to rethink affordable housing viability and the taxing nature on the developer and ordinary market home purchasers.

Members were informed that the Council's draft Housing Strategy 2019-2024 had been developed in order to guide the future of new homes within the District to meet local needs and to guide the future management and direction of the Council's housing service. The Council retained its own housing stock and currently had 3,134 homes in its ownership. The Council was the largest landlord in the District and remained fully committed to this role and would consult with and continue to support its tenants to ensure that they all had a decent, affordable home in an area that they felt proud of. One of the strategic housing priorities set out in the Strategy was '*delivering homes to meet the needs of local people*' which was highly dependent on the implementation of policies and proposals in the emerging Local Plan. Many of the specific actions in the Housing Strategy linked directly to policies in the emerging Local Plan.

The Committee was made aware that the Council's draft Housing Strategy had been developed at a time of major actual and proposed changes to the national housing landscape and financial constraints for the Council. In 2018, three separate opinion polls published by Kantar, Survation and Ipsos had highlighted that only Brexit and the NHS were issues of greater concern to the UK population than housing. Recent years had seen the introduction of neighbourhood planning and the Localism Act 2011, changes to the National Planning Policy Framework (NPPF), welfare reforms, increased regulation in the private rented sector, the tragedy of Grenfell Tower and the most fundamental change in homelessness legislation in many years, the Homelessness Reduction Act 2017. Whilst local authorities were not required by Government to have a formal housing strategy, they were expected to adopt a strategy approach to housing in their local areas to deliver a thriving housing market and to address local needs.

In order to meet the challenges facing the District, the draft Housing Strategy identified four key housing priorities, as follows:

1. Delivering homes to meet the needs of local people;
2. Reducing and preventing homelessness and rough sleeping;
3. Making the best use of and improving existing housing;
4. Supporting people in their homes and communities.

Each of the key housing priorities was accompanied by a series of actions as set out below:

Delivering homes to meet the needs of local people

- *Strive to implement our Local Plan.*
- *Seek 30% affordable housing on all eligible sites as set out in the emerging Local Plan unless there are prudent reasons not to do so.*

- *Support our registered provider partners in bids for funding to provide affordable housing in the District.*
- *Review our nomination agreements with registered providers in the District to maximise affordable housing to tackle demand.*
- *Work in partnership with developers, land owners and registered providers to deliver quality affordable homes and cohesive vibrant communities.*
- *Encourage and support low cost home ownership and starter homes in the district in line with national planning policy.*
- *Encourage and support the provision of self-build and custom build housing*
- *Deliver a development and acquisitions programme to deliver council housing in the district and maximise the opportunities on council owned land and on private developments.*
- *Support and facilitate the creation of community land trusts to deliver affordable housing in the district.*
- *Work with the Rural Community Council of Essex to support the delivery of rural exception sites in our villages.*
- *Work in partnership with commissioners, specialist providers and other statutory bodies to deliver affordable housing provision suitable for our older people and those who are less able.*
- *Decide and explore if it is feasible to set up a housing company to deliver affordable housing in the District.*

Reducing and preventing homelessness and rough sleeping

- *Deliver a new homelessness prevention and rough sleeping strategy in 2019.*
- *Recruit a Private Sector Accommodation Officer to work with landlords and other private sector providers to deliver more accommodation to reduce homelessness.*
- *Work in partnership with registered providers to deliver supported temporary accommodation in the district.*
- *Explore the feasibility of setting up a council leasing scheme to increase the supply of accommodation.*
- *Reduce reliance on nightly-paid hotel accommodation and seek to eliminate its use by the end of the forthcoming homelessness prevention and rough sleeping strategy.*
- *Review the impact of the Homelessness Reduction Act 2017 on current service provision and update policies and procedures accordingly.*
- *Create tailored information for specific clients most at risk of homelessness and rough sleeping such as care leavers and veterans and develop specialist in-house knowledge to assist the most vulnerable members in our communities.*
- *Work with the Clacton Town Centre Working Group and other statutory partners to address the housing and social issues in the town.*
- *Deliver new services to address the needs of rough sleepers and those at risk of sleeping rough.*
- *Support residents threatened with homelessness as a consequence of welfare changes.*
- *Review the Housing Allocations Policy to ensure it is compliant with the Homelessness Reduction Act 2017 and still provides homes for local residents.*
- *Work with the health and social care sector to improve discharge arrangements for those leaving hospital or care.*

Making the best use of and improving existing housing

- *Work with planning colleagues and other statutory partners to tackle unlawful houses in multiple-occupation.*
- *Review our civil penalties policy and HMO licensing policy to ensure they remain fit for purpose.*
- *Work co-operatively with private landlords and agents to improve conditions in the private sector.*
- *Publicise and encourage affordable warmth and energy efficiency programmes in the District.*
- *Deliver a new incentive scheme to assist tenants wanting to move to the right size accommodation*
- *Discontinue our cash incentive scheme which provides grants to council tenants to purchase private homes.*
- *Deliver an annual housing investment programme over the course of this strategy.*
- *Reduce the number of empty homes in the district.*
- *Publish a revised Financial Assistance Policy for Private Sector Housing during 2019.*

Supporting people in their homes and communities

- *Encourage a maximum take-up of Disabled Facilities Grants and discretionary loans to support our older and disabled residents to remain in their homes.*
- *Seek accessible properties as a priority on planning applications where affordable housing is required.*
- *Undertake a project in partnership with other providers and commissioners to determine the housing aspirations and needs of our older population to facilitate future housing provision.*
- *Create a new financial assistance policy to help those affected by welfare reform.*
- *Implement any necessary recommendations following the consultation exercise on the Housing Green Paper “A New Deal for Social Housing” in consultation with our Tenants Panel.*

The most relevant of the actions for the Local Plan was that “to seek 30% affordable housing on all eligible sites as set out in the emerging Local Plan unless there are prudent reasons not to do so” such as the impact/implications of matters such as:-

- (1) The National Planning Policy on Affordable Housing;
- (2) Affordable Housing Delivery; and
- (3) Economic viability for both the developer and the landowner.

The Committee was reminded that affordable housing was housing for sale or rent for people whose needs could not be met by the market – i.e. people with lower incomes who could not afford to buy or rent property from the open market. As of March 2019, there were 1,585 households on the housing register, requiring affordable housing in Tendring and the Council’s Strategic Housing Market Assessment (2015) which formed part of the Local Plan evidence base, indicated that 160 new affordable homes were needed, each year (as part of the overall requirement of 550 a year), in order to address existing and projected needs in the period 2013 to 2033. Between 2013 and 2019, the actual delivery of new affordable housing had fallen well short of this requirement for a number of reasons including:

- low levels of housebuilding of all types in the early part of the Local Plan period (reflecting economic and housing market conditions of the time);
- a high proportion of housebuilding on small sites that were below the Local Plan threshold for providing on-site affordable housing; and
- a number of development sites being granted planning permission with either none or a lower number of affordable housing units than were required by the Local Plan.

Whilst affordable housing delivery had been weak in recent years, it was considered that the situation was set to improve rapidly as construction commenced on a greater number of larger development sites across the District and as registered providers such as housing associations, and the Council itself took a more active role in building new property. Between now and 2033, more than 900 new affordable homes were expected to be built as a proportion of homes on large development sites with extant planning permissions, 800 were expected from sites allocated for housing and mixed-use development in the emerging Local Plan and a further 300 were proposed to be developed by the Council. The emerging Local Plan also included a policy that allowed 'rural exception schemes' for affordable housing on the edge of villages in order to meet a specific local need which would also make a contribution towards affordable housing delivery and which was supported through the Housing Strategy.

Members were informed that Policy LP5 in Section 2 of the Council's emerging Local Plan required 30% of all homes on new housing developments of 11 or more units to be provided in the form of affordable housing or 'council housing' (i.e. owned and managed by the Council) in order to meet the needs of people and families with lower incomes who could not afford to buy or rent property on the open market. The policy, as currently worded, also offered an alternative route by which developers could provide a minimum of 10% of homes for affordable housing alongside a financial contribution to the Council that could be used for building or acquiring property to meet affordable/council housing needs elsewhere.

The Committee was advised that in recent years, the Council had taken a very flexible approach to the interpretation of Policy LP5 in order to secure a smaller number (often around 5%) of 'gifted' dwellings on development sites to be transferred to the Council or a nominated housing trust for a nominal price of £1. This was in response to Government legislation introduced in 2016 which affected the rental model for affordable housing and which made it unviable for housing associations, or the Council, to acquire 30% (or even 10%) affordable housing from large development sites, at a discount, in the traditional manner. Whilst this approach had been a pragmatic solution to the delivery of affordable housing at the time, it had resulted in a large number of housing developments obtaining planning permission, either from the Council or on appeal, with a commitment to deliver only a small number of affordable housing units which, when totalled up, would fall a long way short of meeting Tendring's future needs. The Council was expected to take receipt of approximately 180 'gifted' units in the next five years and a further 50 would be transferred to the Lawford Housing Enterprise Trust.

It was reported that further changes to Government legislation had now made it viable again for housing associations to build and acquire affordable housing and the Council's latest Viability Study confirmed that 30% affordable housing was achievable on the vast majority of development sites. Therefore, to ensure that the Council secured the maximum amount of affordable housing in the future, 'gifted' units would no longer be accepted as an alternative to the full 30% requirement and the draft Housing Strategy made it clear that gifting would only be considered as an option in exceptional

circumstances. In addition, Officers proposed the deletion of the section of Policy LP5 that allowed for the alternative of 10% affordable housing alongside a financial payment or any other alternative forms of delivering affordable housing.

The revised wording of the Policy was set out in the Officer's report and in Appendix 3 thereto.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector would however have the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was therefore the Officers' recommendation that the changes outlined in the report be put forward to the Inspector for their consideration, at the appropriate time. This was most likely to be in response to the Inspector's 'Matters Issues and Questions' which would be issued to the Council ahead of the Section 2 examination.

The Committee was made aware that any modifications proposed by the Inspector at the end of the examination process might have to be published for consultation in their own right before the Council could proceed to the final adoption of the Local Plan. The amendments being suggested through the Officer's report were not an indication that the emerging Local Plan as currently written was 'unsound', but were aimed at improving the delivery of affordable housing.

Having considered and discussed the information and advice contained in the Officer's report and appendices thereto:-

It was moved by Councillor Scott, seconded by Councillor Broderick and unanimously:-

RESOLVED that –

- a) the current position in respect of affordable housing delivery and the means by which it is proposed that more affordable housing will be delivered in the future, to meet identified needs be noted;
- b) the Officers' suggested amendments to Policy LP5 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in the aforementioned report and Appendix 3 thereto be approved; and
- c) the Head of Planning be authorised to put forward the suggested amendments to Policy LP5 to the Planning Inspector for their consideration as part of the examination of Section 2 of the emerging Local Plan.

17. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.3 - TOWN CENTRE PLANNING POLICIES AND REGENERATION SCHEMES

The Committee had before it a detailed report (and appendices) of the Corporate Director (Planning and Regeneration) (A.3) which:-

- a) reported progress on the Council's regeneration projects for Clacton and Dovercourt Town Centres and their implications for policies and proposals in the emerging Local Plan;
- b) suggested possible amendments to the planning policies in the emerging Local Plan relating to town centre uses aimed at allowing a more flexible range of activities in response to the changing role and function of town centres, the decline of traditional retail on the high street and Government changes to the Use Classes Order; and
- c) sought the Committee's agreement for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the emerging Local Plan in 2020.

The Chairman invited Bill Marshall to address the Committee:-

Bill Marshall, a resident of the district, made a statement relating to item A.3 and made reference to the Government white paper 'Fixing our broken Housing Market Feb 2017', 'New Town Act 2018' and 'Revised Permitted Development Legislation' and urged the Committee to delay any recommendations until after Section 1 re-examination has taken place.

Members were aware that it was one of the Council's corporate priorities to maintain vibrant town centres and Clacton and Dovercourt Town Centres in particular had been identified as 'priority areas for regeneration' where, due to their complex economic and social challenges, it would be essential to create the conditions for vitality, economic growth and a sustainable long-term future whilst addressing some of the problems and challenges that affected those areas on a day to day basis.

Members were further aware that following a successful application from this Council and its partners, Clacton Town Centre had been shortlisted by the Government as one of 50 town centres across the country to bid for a share of the £1billion 'Future High Streets Fund' aimed at delivering transformational changes. Having developed a bold vision for the town centre through a dedicated Clacton Town Centre Working Party, Officers were now working with Government officials, Essex County Council, local businesses and other partners to draw up detailed proposals for key sites in the town centre to be submitted to Government for its consideration in 2020. In the meantime, Officers were progressing a number of short-term actions aimed at improving conditions for town centre trading, including changes to parking and access arrangements, the creation of a purpose-built performance/events area and measures to positively promote the town through the 'Love Clacton' brand. Those actions had been approved by the Cabinet in September 2019 with a fund of £250,000 set aside to deliver certain projects with further funding expected from government.

The Committee also recalled that Dovercourt Town Centre was the subject of a new Master Plan that had been approved by the Cabinet in July 2019 and which articulated its own vision for the regeneration and transformation of the town. It included targeted interventions focussed on vacant, derelict and rundown sites and securing improvements to the quality of the public realm. It also included specific development proposals for key sites including the Starlings site and Milton Road car park which had been considered by Cabinet in September 2019 and allocated a fund of £1.6million towards their delivery.

It was reported that in order to ensure that the District's town centres could adapt in response to the decline in retail on the high street, Officers had reviewed the Council's planning policies for town centres in light of the work that had been undertaken for Clacton and Dovercourt, the discussions with businesses and key stakeholders, the latest planning guidance contained within the National Planning Policy Framework (NPPF) and recent changes to the 'Use Classes Order'.

Historically, Government planning policy had been very focussed on supporting growth in the retail sector and promoting the expansion of town centres to accommodate an increasing demand for shops. However, with the rise in online shopping and other services and the need for town centres to take on a more varied and 'experiential' function, the 2019 NPPF required planning policies to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Committee was informed that the Council's planning policies for town centres in its emerging Local Plan (Section 2) were already broadly in line with Government thinking, but there remained a strong emphasis on protecting certain areas for traditional A1 retail use – a principle that had been carried forward from previous Local Plans. Notwithstanding the protection afforded to A1 retail use in the Council's policies, the Government in May 2019 had introduced changes to the 'Use Classes Order' which allowed shops in A1 retail use to change to A2 financial and professional services; A3 food and drink; B1 business use; or public libraries, exhibition halls, museums, clinics or health centres on a three-year temporary basis without the need to apply for planning permission.

With those changes in mind, Officers considered that a more flexible approach might now be required to make the town centres more resilient, ensure that the national decline in retail on the high streets did not result in an increase of vacant shop units and to encourage a diverse range of activities, including eating, drinking and community-based activities as well as new residential accommodation, in the interest of vibrancy and vitality.

To achieve the above, it was being recommended by Officers that Policy PP5 in Section 2 of the Council's emerging Local Plan be amended to remove designated primary and secondary 'shopping frontages' which sought primarily to protect A1 retail and were thus in conflict with the thrust of current Government policy.

The amended policy would still however retain a 'town centre boundary' where a wide range of 'town centre uses' would be encouraged, which, as defined in the NPPF would include:

- Retail development (including warehouse clubs and factory outlet centres);
- leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos;
- health and fitness centres, indoor bowling centres and bingo halls);
- offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

It was also suggested that residential development could form part of the mix of uses allowed within town centres in order to support footfall, vibrancy, natural surveillance and security – helping also to support the evening and night time economies.

It was reported that the amended policy would also retain a defined ‘primary shopping area’ within the core of the town centre where the use of property would be restricted to those allowed under the amended Use Classes Order and where residential use would only be permitted on upper floors above shop units. Some flexibility might need to be allowed in respect of parking provision and private amenity space for residential development in such core areas.

The revised wording of the Policy was set out in the Officer’s report and in Appendix 1 thereto.

For Clacton Town Centre specifically, it was also suggested that the boundary of the town centre and the primary shopping area within it (as currently shown on the Local Plan’s policies maps and local maps) be amended, in line with the recommendations of the Clacton Town Centre Working Party, in order to reduce the overall size of the centre, allow more flexibility for residential development to take place on the periphery of the shopping area and to help focus investment in town centre uses on its central core.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector would however have the power to recommend ‘modifications’ to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it would be at the Inspector’s discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was therefore the Officers’ recommendation that the changes outlined in the report be put forward to the Inspector for their consideration, at the appropriate time.

Having considered and discussed the information and advice contained within the Officer’s report and its appendices:-

It was moved by Councillor Scott, seconded by Councillor Chapman and unanimously:-

RESOLVED that –

- a) the progress of the regeneration projects for Clacton and Dovercourt Town Centres be noted;
- b) the latest position in respect of Government policy on town centres, including the National Planning Policy Framework and changes to the Use Classes Order be noted;
- c) the suggested amendments to Policy PP5 ‘Town Centre Uses’ and relevant policies and local maps and the specific amendments for Clacton Town Centre in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in item A.3 of the Report of the Corporate Director (Planning and Regeneration) and Appendix 1 thereto, be approved; and

- d) the Head of Planning be authorised to put forward the suggested amendments to Policy PP5 and relevant maps to the Planning Inspector for their consideration as part of the examination of the Section 2 of the emerging Local Plan.

18. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.4 - DRAFT HERITAGE STRATEGY

The Committee had before it a report (and appendix) of the Corporate Director (Planning and Regeneration) (A.4) which enabled it to consider the contents of the draft Heritage strategy and to agree its feedback to the Cabinet.

The Chairman invited Bill Marshall to address the Committee:

Bill Marshall, a resident of the district, made a statement relating to item A.4 raising his concerns that this strategy should be put on the back burner in order for Officers to focus on Section 1 and Section 2.

Members were informed that Tendring's Heritage Strategy aimed to promote the protection and celebration of the area's rich history, predominantly contained within its historic environment, and guides its evolution to enhance the positive contribution it makes to the lives of those people living in and visiting the District. The Strategy would form a baseline document, accessible to all, pertaining to the management and promotion of all aspects of the historic environment. An enhanced understanding of Tendring's Heritage would enable the Council to:

- Recognise and understand the key assets within Tendring which gave it its special character;
- Create a knowledge hub of existing museums, archives, traditions and local groups which contributed to the protection and continuation of Tendring's heritage;
- Provide a platform for collaborative working across Tendring, and encourage a continued joined-up approach to heritage management;
- Identify key areas and assets which made the greatest contribution to the heritage of Tendring;
- Identify priority areas where heritage in the form of the historic environment was under threat and the unique issues faced; and
- Actively engage with and promote heritage opportunities in terms of the wider regeneration and economic development of Tendring to provide a framework for future investment.

The draft Strategy was organised into two parts:

Part One: The Baseline

The Strategy began by giving a potted history of the District from 400,000 years ago, the time at which the oldest wooden implement in England dates from; to its Victorian era when seaside holidays thrived in the District.

The Strategy then considered the archaeology and historic landscapes of Tendring with its significant Mesolithic settlements, Neolithic enclosures and monuments, and Bronze Age monuments and cemeteries.

The architecture of Tendring was highlighted with illustrations of particular buildings, streets, vistas and building detailing throughout the District. Physical heritage assets were also detailed here. Those included listed buildings, conservation areas and scheduled monuments. Also detailed in this section was Tendring's heritage at risk.

An exploration of Tendring's museums, societies and heritage-focused groups was given. As tourism and attractions could have an historic basis, those were also examined and covered navigational, piers, military and maritime, arts and culture, industrial and built heritage attractions.

Part 2 – Objectives, Action Plan and Case Study

Objectives

To inform the objectives of the Strategy, six key themes had been formed. Those are:

Objective 1: Conservation Ensure the sustainable management of all heritage assets, including buildings, landscapes, monuments, landscapes and settlements, through the appropriate conservation and preservation of their significance.

Objective 2: Collaboration Promote and support initiatives for partnership working involving all people and organisations engaged with the heritage of Tendring District.

Objective 3: Knowledge Support the furthering of knowledge and understanding of Tendring's heritage through research and education, and promote training and education opportunities to share knowledge and skills with all people and organisations engaged in the heritage of Tendring District.

Objective 4: Character and Identity Support and promote initiatives and events that celebrate the culture, traditions and customs of all people and communities within Tendring District, and promote the unique characteristics and attractions of the District.

Objective 5: Interpretation Raise public awareness and appreciation of Tendring's heritage through a considered approach to communication methods with different audiences, and support initiatives to encourage the promotion of heritage and the engagement of residents and visitors with it.

Objective 6: Accessibility Recognise and promote the value heritage offers to people's wellbeing, health, identity and sense of belonging by supporting improvements in accessibility to Tendring's heritage sites, buildings and monuments and encouraging initiatives which provide wider audiences with access to heritage.

Actions

Opportunities for enhancement included:

- The use of technology,
- Promoting museums and collections,
- The re-use of vacant historic buildings,
- Education of both landowners and children,
- Promoting 'Healthy Heritage'
- Helping existing attractions reach full potential and

- New development and quality design.

Once adopted, a programme of implementation could be developed to manage delivery of the heritage strategy actions. Projects delivered through this programme could look to various sources for part funding. Those included:

- National Heritage Lottery Fund
- Heritage Action Zones (Historic England)
- Section 106 Agreements
- Partnership Schemes in Conservation Areas with Historic England

Case Study

A case study of Church Street in Harwich's Old Town was included in order to demonstrate what could be achieved using the objectives of the Heritage Strategy.

Members were encouraged to email Planning Officers with their thoughts and suggestions in regards to the Draft Heritage Strategy.

Having considered and discussed the information provided in the report and the contents of the draft Heritage Strategy:-

It was unanimously **RESOLVED** that –

- (a) the contents of the Draft Heritage Strategy be noted; and
- (b) any comments submitted by Members to the Planning Officers be incorporated into the further report to Cabinet in due course.

19. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.5 - LIVEWELL DEVELOPMENT ACCREDITATION SCHEME

The Committee had before it a report (and appendices) of the Corporate Director (Planning and Regeneration) (A.5) which provide it with an overview of the Livewell Development Accreditation Scheme and sought its endorsement of the scheme and outlined the next steps for the promotion of the scheme.

The Chairman invited Bill Marshall to address the Committee:

Bill Marshall, a resident of the district, made a statement relating to item A.5 raising his concerns in regards to the Act of Essex Scheme, the points award system and bronze housing.

The Committee was informed that the Livewell Development Accreditation was based on a two-stage assessment embedding the new HIA (Health Impact Assessment) criteria (as set out within the Essex Design Guide) where developments considered to make a positive contribution to health and wellbeing would be awarded different levels of accreditation. The 'Livewell' brand was used on a wide range of the local authority health and wellbeing initiatives and was jointly owned by Essex local authorities.

Members were made aware that Officers at both the District Council and Essex County Council considered that there was a need to encourage developers to go beyond policy

requirements. In order to incentivise developers to do so, the Livewell Development Accreditation was seen as a means to add value to development schemes and to fully utilise the Active Design principles embedded in the Council's new Local Plan.

Members were advised that this was a voluntary scheme. Developers could express their interest to the Development Management team at the master planning, pre-application or planning application stages.

Having considered and discussed the information provided within the Officer's report and the contents of the Livewell Development Accreditation Scheme and the Livewell Developers Charter which attached as appendices to the report:-

It was moved by Councillor Scott, seconded by Councillor Newton and unanimously:-

RESOLVED that –

- (a) the contents of the report be noted; and
- (b) the Livewell Development Accreditation Scheme be endorsed and promoted by this Council.

20. CHAIRMAN'S CLOSING REMARKS

The Chairman informed Members that the next meeting of that Committee due to have been held on Wednesday 11 December 2019 would be cancelled.

The Chairman's reasons were twofold. Firstly, Officers needed to focus solely on their preparations for the resumed Examination-in-Public (which would be in January) by the Planning Inspector of Section One of the emerging Local Plan.

Secondly, this date would have meant the Committee meeting the evening before the Parliamentary General Election and the primary focus of both Members and Officers would have been elsewhere in the run up to that meeting.

The Committee noted the foregoing.

The meeting was declared closed at 8.50 pm

Chairman

Public Document Pack

Resources and Services Overview and
Scrutiny Committee

16 December 2019

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 16TH DECEMBER, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Barry, Bray, Griffiths and Turner
In Attendance:	Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Anastasia Simpson (Head of People, Performance and Projects), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Katie Wilkins (Human Resources and Business Manager) and Debbie Bunce (Legal and Governance Administration Officer)

31. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Morrison. There was no substitute appointed for Councillor Morrison. .

32. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Monday 14 October 2019 were approved as a correct record and were then signed by the Chairman.

33. DECLARATIONS OF INTEREST

There were none on this occasion.

34. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

35. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - CORPORATE BUDGET AND FINANCIAL FORECAST MONITORING 2019/20 SECOND QUARTER

The Committee had before it a report of the Deputy Chief Executive (A.2) which provided it with an overview of the Council's financial position against the budget as at the end of September 2019 and which also presented it with an updated forecast on an on-going basis as part of developing the budget for 2020/2021 and beyond.

The report invited Members to consider the in-year financial position as at the end of September 2019 and determine whether it had any comments or recommendations it wished to make or put forward to the relevant Portfolio Holder or Cabinet and also to consider the updated long term financial forecast update and determine whether it had any comments or recommendations it wished to make to Cabinet as part of the financial strategy consultation process.

The Committee was made aware that, on 8 November 2019 Cabinet had considered a Financial Performance Report and Appendices which were attached as Appendices A and B to the report to this Committee. It was reported that Cabinet had resolved:

- (a) *in respect of the financial performance against the budget at the end of September 2019:*
- (1) *the current position be noted;*
 - (2) *the proposed in-year adjustments to the budget, as set out in Appendix H to item A.7 of the Report of the Corporate Finance and Governance Portfolio Holder, be agreed;*
 - (3) *in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000million to £1.500million for each day the Council's offices are closed over the Christmas break; and*
 - (4) *the Council continues to be a member of the Essex Business Rates Pool in 2020/21 if it remains financially advantageous to do so.*
- (b) *in respect of the Updated Long Term Forecast, the updated forecast be agreed and the Resources and Services Overview and Scrutiny Committee be consulted on the latest position.*

In addition to the above and as requested by the Committee at its last meeting, the Council's current reserves position was attached as Appendix C to the report now before the Committee.

The Council's Head of Finance, Revenues and Benefit gave a response to the following questions asked by Members:-

- Essex Business Rates Pool: what does TDC keep?
- Impact of Universal Credit on rent arrears.
- Impact of 1% increase in BWLB rates on TDC
- Potential level of borrowing available in the financial markets following General Election
- Drop in expenditure regarding Waste Transfer Station
- Expiry of commuted sums
- DFG Co-ordinator post: has it been filled?
- Likelihood of increase in recycling credit income
- Litter from Waste Transfer vehicles on A120 – use savings to clear up.
- Insurance premiums increased expenditure
- NHB 2019/20 – is it unallocated?
- New Beach Huts – no activity?
- Jaywick Sands – New Build starter homes – plans to spend receipts.
- Use of Residents Free Parking Revenue: when?
- Election Revenue: still contribute to it annually?
- Empty Homes Funding: what is the review about?
- Marine Parade West, Clacton-on-Sea: movement of the cliffs.

After some deliberation it was **RESOLVED** that the contents of the report be noted and that:-

(a) the Chief Executive be requested to arrange, as soon as practicable, an All Member Briefing at which Members can be informed of the financial implications for this Council of the Government's intention to move, in 2021/22, to a 75% Business Rates Retention Model for local authorities together with other recent big changes to the Council's long-term financial forecast.

(b) this Committee recommends to Cabinet that Officers be instructed to conduct, by the end of the current financial year, a viability review of all long outstanding projects for which monies are currently ring-fenced.

36. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee was aware that this report outlined any recommendations it had made to the Cabinet, the Cabinet's response(s) thereto and any relevant updates.

The report outlined updates to two items considered previously by the Committee. Those items were:-

29 July 2019 (Minute 16 referred) – Improvement works in the Public Realm; and

14 October 2019 (Minute 30 referred) – Refurbishment Works at Clacton Leisure Centre.

The Chairman also updated the Committee in relation to the refurbishment works at Clacton Leisure Centre.

After some deliberation it was **RESOLVED** that the Committee notes the contents of the report. The issues were now marked as completed within the Recommendations Monitoring Report.

37. REPORT OF DEPUTY CHIEF EXECUTIVE - A.1 - PERFORMANCE REPORT QUARTER 2 2019/20

The Committee had before it a report of the Deputy Chief Executive which presented the Performance Report for Quarter Two (July to September 2019) including the emerging Corporate Plan 2020/2024 and Priorities and Projects 2019/2020.

Members were reminded that the Priorities and Projects for 2019/20 had been approved by Cabinet at its meeting held on 19 July 2019 when it had also been agreed that the next phase of this work would be to develop specific deliverables (for the priorities and projects) in consultation with the relevant Portfolio Holders and that those would be incorporated into the Performance Report(s) in line with the Quarter Two timetable and presented to Cabinet, so Cabinet could endorse the deliverables before they were subject to scrutiny by the Council's overview and scrutiny committees. Those Performance Report(s) had subsequently been agreed by the Cabinet at its meeting held on 8 November 2019.

The Committee was aware that the purpose of the report now before it was to submit the relevant performance data so that it could undertake scrutiny of it in so far as:

“(a) Is the performance monitoring system capturing the right level of data to support delivery of the Corporate Plan and its priorities and projects – and to make recommendations thereon?”

“(b) Is there performance as identified in the monitoring data that warrants scrutiny of an activity – and to determine whether and how that scrutiny should take place; including it as appropriate in the work programme?”

It was reported that the Quarter 2 position demonstrated that of the 22 indicators and projects where performance was measured, 19 (86%) were on, or above, their expected target, 1 (5%) was not currently in line with expected performance and for 2 (9%) the Council currently had no data available.

The Committee was also updated on the progress made in relation to the various work strands of the “Transforming Tendring” transformation project.

Members were informed that any feedback from this Committee would be presented to a future meeting of the Cabinet as a separate reference report.

The Council’s Head of People, Performance and Projects (Anastasia Simpson) gave the Committee a verbal update in respect of the indicators and projects with particular focus on the indicator that was currently listed as “Behind Target”, together with those indicators which previously had had no available data and for which some information had now been provided. She also updated the Committee on the progress of the Council’s new Corporate Plan. The consultation period had now closed and Cabinet would be requested, as a result of that consultation, to include within the Plan a link to Essex County Council’s “Essex Ambitions and Visions” document before it was submitted to full Council for formal adoption.

Mrs Simpson also gave verbal updates on several projects including:-

Manningtree Underpass;
Local Plan Section 1 progress;
Westleigh House – demolition and resurfacing of land as an addition to the High Street car park;
IT – security compliance accreditation awarded;
New Homes in Jaywick Sands – evaluation work with private sector company; and
Carbon Neutrality – Consultant appointed.

Members made comments regarding the Corporate Plan 2020-2024 and the Priorities and Projects for 2019/20 in that in respect of Effective Regulation and Enforcement, there was no obvious link to the Priorities and Projects 2019/20. Members requested that reference to Customer Services made it clear that it was Digital Customer Services. The Committee asked what were the milestones in relation to the Cultural and Heritage Strategies and queried why the Holland Haven & Seafront Opportunities had been removed.

Members said that the Plan seemed to be more focused on coasts and towns and there was not enough on the rural economy and towns and villages.

Officers responded to other questions raised by Members on various topics within the report and appendices and where an answer was not immediately available, the Head of People, Performance and Projects and the Human Resources and Business Manager undertook to respond to Members as soon as possible after the meeting.

After some deliberation by the Committee it was **RESOLVED** that:

(a) the Committee notes the contents of the Performance Report Quarter 2 2019/2020; and

(b) the Chief Executive be requested to arrange, an All Member Briefing at which Members can receive an update on both the Local Plan and North Essex Garden Communities.

38. REVIEW OF THE WORK PROGRAMME

The Committee had before it the latest Work Programme 2019/20 that outlined the scrutiny to be undertaken by the Committee in the remainder of the municipal year. In presenting this work programme to the Committee, it was invited to determine whether the programme needed to be adjusted, including items covered, the scope of the programmed reviews and whether Portfolio Holders or others were to be invited to present to them. Specific information requirements of Councillors to undertake the programmed reviews should also be identified as should any 'Councillor Development' requirements.

After some deliberation it was **RESOLVED** that the Chairman of the Committee be requested to discuss with the Head of Democratic Services & Elections the workload contained within the Committee's current work programme and especially with regards to the potential need for additional meetings to discuss items such as the scrutiny of the implementation of the new waste and recycling collection service.

39. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

After some deliberation it was **RESOLVED that -**

(a) the Committee noted the list of forthcoming decisions.

(b) pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee will enquire into the forthcoming decision of Cabinet to decide the future use of Spendells House, Walton-on-the-Naze;

(c) the Committee notes that such an enquiry might consist of questioning members of the Cabinet and Officers together with seeking the views of local stakeholders and/or other interested parties; and

(d) the Committee further notes that the Cabinet will take into account any recommendations expressed by this Committee when determining the final decision on this matter.

The meeting was declared closed at 10.34 pm

Chairman

COUNCILLOR SUE HONEYWOOD’S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – “MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS”

“Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.

This Council therefore resolves:

- *to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;*
- *to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and*
- *to encourage local suppliers of fireworks to stock “quieter” fireworks for public display.”*

This page is intentionally left blank

73. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.8 - THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2020/21 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2020/21

The Cabinet gave consideration to a joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.8) which sought Cabinet's agreement to recommend to full Council the following:

- Local Council Tax Support Scheme 2020/21 (including the associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2020/21; and
- Annual MRP Policy Statement for 2020/21.

Accordingly and in order to allow these matters to progress to Council it was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED that (1) Cabinet agrees that –

- (a) the Local Council Tax Support Scheme for 2020/21 should remain the same as the current year's scheme;
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to item A.8 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder; and
- (c) the discretionary Council Tax Exemptions and Discounts should remain unchanged in 2020/21.

(2) it is therefore:-

RECOMMENDED TO COUNCIL that –

- (a) that the Local Council Tax Support Scheme (LCTS), as set out as Appendix A to item A.8 of the Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder be approved with the maximum LCTS award being 80% for working age claimants;
- (b) the Deputy Chief Executive, in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2020;
- (c) the locally determined council tax discounts, as set out as Appendix C to the above-mentioned report, be approved;
- (d) the Deputy Chief Executive, in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2020;
- (e) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2021 and that Officers be requested to write to the relevant homeowners to advise them of the Council's intentions;

- (f) Officers explore the option of potentially providing discounts for young people leaving care and present the outcome of that exploration and potential options to Members as soon as practicable in 2020/21; and**
- (g) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2020/21, as set out in Appendix D to the aforesaid report, be approved.**

Key Decision Required:	Yes	In the Forward Plan:	Yes
-------------------------------	------------	-----------------------------	------------

CABINET

8 NOVEMBER 2019

JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.8 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2020/21 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2020/21

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider and agree for recommending to full council the following:

- Local Council Tax Support Scheme 2020/21 (including associated exceptional hardship policy)
- Discretionary Council Tax Exemptions and Discounts 2020/21
- Annual MRP Policy Statement for 2020/21.

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions and discounts for 2020/21.
- Given the on-going impact on residents from welfare reforms, including universal credit, it is proposed to continue with the principle highlighted last year of providing some financial stability to Tendring claimants. Therefore it is proposed to keep the 2020/21 LCTS scheme the same as this year. The current scheme provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has also been subject to annual review and it is not proposed to make any changes from the scheme operating this year and so remains available to support eligible claimants.
- In respect of discretionary council tax discounts and exemptions, it is proposed to continue with the same level of discounts this year with no changes therefore proposed for 2020/21. However it is proposed to agree in principle to levy the maximum council tax 'premium' from 1 April 2021, with Officers requested to write to all owners of long term empty properties advising them of this, which will also provide them with adequate time to respond to this potential change.
- The Annual Minimum Revenue Provision Policy Statement has also been reviewed for 2020/21 with no changes proposed, although attention is drawn to the fact that this may need to be reviewed at some point in the future in light of the Garden Communities project that continues to be developed.

- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council on 26 November 2019, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is required, this Council will have to notify the precepting authorities that the final council tax base will be delayed and not available until late in the budget cycle.
- Given the recommendation to continue with the existing LCTS scheme, it is not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it will be considered by Full Council on 26 November 2019.

RECOMMENDATION

It is recommended:

- a) That Cabinet agrees that the LCTS scheme for 2020/21 remains the same as the current year, as set out as Appendix A and recommends to full Council:**
 - i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;**
 - ii) that subject to a)i) above, delegation be given to the Deputy Chief Executive in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2020;**
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;**
- c) that Cabinet agrees that the discretionary Council Tax exemptions and discounts remain unchanged in 2020/21 and recommends to full Council:**
 - i) that the locally determined council tax discounts as set out as Appendix C be approved;**
 - ii) that subject to c) above, delegation be given to the Deputy Chief Executive in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2020;**
 - iii) that it is agreed in principle to levy the maximum allowable council tax premiums from 1 April 2021 and that Officers be requested to write to the relevant homeowners advising them of the Council's intentions;**
 - iv) that Officers explore the option of potentially providing discounts for young people leaving care and present the outcome and options to members as soon as practicable in 2020/21; and**
- d) that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2020/21 as set out in Appendix D be approved.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In developing a local scheme the Council must be mindful of their duties to vulnerable groups, and Council Tax payers set against the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

LCTS scheme for 2020/21

As at the end of September, the total estimated annual 'cost' of the LCTS scheme in 2019/20 is **£11.477m**, with approximately 10% of this amount (**£1.147m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

The following sets out the total 'cost' of the LCTS scheme over recent years, with an average cost of **£11.499m** over the total 5 year period:

2015/16 - £11.725m
2016/17 - £11.577m
2017/18 - £11.362m
2018/19 - £11.353m
2019/20 - £11.477m (forecast outturn)

Council Tax Hardship Scheme

The total cost of the scheme over recent years is as follows:

Year	Applications Rec'd	Amount Awarded
2014-2015	46	£12,839
2015-2016	24	£5,202
2016-2017	27	£15,573
2017-2018	47	£22,778
2018- 2019	57	£21,822

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall council tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total of **£23,973**. For any awards over and above this annual amount, 100% of the cost is met by TDC in accordance with the wider council tax sharing agreement with the major preceptors.

As no changes are proposed to either the LCTS Scheme or Hardship Policy in 2020/21, no additional costs over above those included within existing budgets or long term forecast are expected. The Council Tax Collection fund continues to operate whereby any changes against the budget during the year will be 'rolled' forward and included in the following year's budget setting process.

Council Tax exemptions and discounts for 2020/21

Similarly to the position for the LCTS above, as no changes are proposed for 2020/21, no changes to existing budgets / long term forecast are expected.

By not charging a 'premium' on long term empty properties in 2020/21 potential income is effectively foregone. However if the intention of charging a 'premium' is to bring empty properties back into use following which the 'premium' would no longer be levied, the ultimate success of such an approach would therefore mean that no additional income would be realised. It is accepted that some homeowners may still not bring their properties back into use even if a 'premium' was charged but it is difficult to quantify this figure.

Minimum Revenue Provision Policy Statement (MRP)

In respect of the annual MRP policy statement, this sets out how the Council will make provision for the repayment of loans taken out to finance capital investment. For the General Fund, the MRP is a direct charge on the revenue budget. At present no MRP over and above the amount of principal being repaid is calculated for Housing Revenue Account capital investment, although future provision will be considered within the wider business planning process.

Risk

The LCTS affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate. This is potentially compounded by the Government's ongoing welfare reforms such as the roll out of universal credit.

The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2020/21, which supports the financial stability of residents especially during the continuing roll-out of the Government's welfare reforms.

LEGAL

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable.

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2020/21, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 amended the Local Government Finance Act 1992 in respect of the Council Tax premium that can be charged on long term empty properties (unoccupied for at least 2 years) as follows:

The maximum 'premiums' chargeable from 1 April 2020 are as follows:

- For properties unoccupied and unfurnished for up to 5 years – a maximum of 100%

- For properties unoccupied and unfurnished for over 5 years – a maximum of 200%

The maximum premiums chargeable from 1 April 2021 are as follows:

- For properties unoccupied and unfurnished for up to 5 years – a maximum of 100%
- For properties unoccupied and unfurnished for over 5 years but less than 10 years – a maximum of 200%
- For properties unoccupied and unfurnished for over 10 years – a maximum of 300%

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The LCTS scheme set out in the body of the report will not disproportionately impact on the following groups in that the relevant income will continue to be disregarded in calculating entitlement to support:-

- Families in receipt of child benefit; The Child Poverty Act 2010
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010
- War widows/disabled. The Armed Forces Covenant 2011

The recommendations on discounts apply a 0% (zero percentage) discount to all second homes and a 0% discount on empty properties, across the entire district. The implications will apply to all property owners and it is considered that there are no equality and diversity issues specific to this issue.

Empty properties can attract vandalism and increase the potential for crime. The approach taken to the amount of council tax charged on empty properties aims to encourage their return to occupation.

PROPOSED LCTS SCHEME 2020/21

There are two parts to the LCTS scheme;

- one for pension age claimants where 100% support is provided
- one for working age claimants.

The Pension Age Scheme is set in accordance with rules laid down by the Government whereas the Working Age Scheme rules are decided locally by each local authority (billing authority).

Authorities must adopt a scheme on an annual basis which must be agreed by 31 January each year for the subsequent year's scheme.

LCTS is treated as a discount within the council tax calculations which means that the Council's

taxbase is reduced (as will the taxbase for County, Fire and Police and Parishes).

The LCTS is therefore an annual 'cost' met within the Council's overall financial position / budget each year. Any increase in the discount would therefore be treated as a cost pressure and conversely, any reduction in the level of discount would increase the Council's overall income position. However the level of discount given is not primarily a financial decision as one of the primary drivers is the level of financial support that the scheme provides to households across the district which in turn needs to be considered in the wider demographic / economic position for the area.

In previous years, one argument put forward was as the LCTS was supported by the Revenue Support Grant, any reduction in this grant should be 'passported' across to the LCTS scheme and therefore reduce the support available in line with those reductions. However, given the on-going impact on residents from welfare reforms, including universal credit, it is proposed to continue with the principle applied in previous years of helping to provide financial stability to Tendring claimants by keeping the maximum discount at 80% for working age claimants. In terms of the overall scheme, no changes are proposed with the scheme remaining the same as 2019/20, including the retention of the family premium which the Government removed from the Housing Benefit Scheme from 2017/18.

A summary of the unchanged scheme for 2020/21 is set out as **Appendix A**.

Looking ahead to 2021/22, a review of the scheme is likely given the increasing level of resources required to administer the scheme. As the scheme is based on a means tested approach, the information required has in the past been collected as part of jointly administering Housing Benefit. As Housing Benefit is being phased out and the Department of Works and Pensions (DWP) have confirmed that they will not share with us the information that they collect to administer Universal Credit, the Council will have to ask claimants for the same information independently - in effect duplicating what is required from claimants.

It is understood that alternative options are being explored elsewhere in the country to potentially reduce the level of administration necessary and the outcome / performance of this work will be considered as a basis to develop options for this Council's scheme in 2021/22 and beyond.

For information, statistics relating to the LCTS scheme in 2019/20 are set out below:

As at the end of September 2019:

There are currently 13,078 household receiving LCTS.

The total working age households receiving support is 6,373

The total pensioner households receiving support is 6,705

The collection performance for those accounts where LCTS has been awarded is 48.14% (total overall council tax collection performance is 55.86%)

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS scheme.

As highlighted during the previous review of the policy, as with any exceptional hardship

scheme, it is difficult to define exceptional hardship or descriptive criteria that will apply as there may be a number of variables to consider when an application is made. However the policy continues to set out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable' expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

The policy also highlights that a senior officer will review all decisions to demonstrate fairness and consistency to the application process.

It is not proposed to amend the scheme in 2020/21. However it will be reviewed as part of any change to the LCTS scheme that may emerge following the review set out above.

PROPOSED COUNCIL TAX DISCOUNTS AND EXEMPTIONS 2020/21

There are a number of mandatory exemptions and discounts available, with only a limited number of classes of dwelling where there is local discretion as to the amount of discount that is awarded. These relate to 4 classes of unoccupied dwelling and for 2020/21 it is proposed to keep the level of discount at the same level as 2019/20 which is as follows:

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

- **0% discount** (on the days when the property cannot be used due to a planning restriction an exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

- **0% discount**

Class C – Unoccupied and substantially unfurnished dwellings.

- **0% discount**

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

- **100% discount for up to 12 months**

As was the case last year, by leaving the current level of discounts / exemptions unchanged it supports the council tax base which is one of the Council's core income streams within the long term forecast. It is worth highlighting that for every 10% increase in any one class of discount, the Council would lose up to approximately **£25,000** in income per year.

Council tax income raised from the above locally determined discounts also has the additional benefit of increasing the contribution receivable from the major preceptors under the current council tax sharing agreement which is based on total council tax income collectable.

As a key driver to bring empty properties back into use, the Government allows Local Authorities to levy a council tax 'premium' on long term empty properties (Class C which have been empty for more than two years). As set out within the legal section above, the maximum

'premium' that can be charged is 100% for a property that has been empty for more than 2 years but less than 5, and a premium of 200% for a property that has been empty for more than 5 years. A second home or holiday home would not be included as the 'premium' would only apply to properties that are substantially unfurnished. A number of Essex authorities already charge a council tax 'premium'.

A summary of current long term unoccupied properties (excluding Housing Revenue Account Properties) is as follows:

Band	Number
Unoccupied for more than 2 years but less than 5 years	120
Unoccupied for more than 5 years but less than 10 years	53
TOTAL	173

If the maximum 'premium' allowable was charged for the properties identified above, additional income could potentially be in excess of **£0.300m** per annum, of which approximately **£0.030m** would be retained by TDC as its overall share of the total council tax bill. However, it is recognised that many home owners may avoid paying the 'premium' by bringing their properties back into use or convert them to second homes. Therefore in reality any additional income may only be modest as the primary intention of the introducing a 'premium' is about bringing empty properties back into use rather than as a mechanism to increase Council funding.

A further unoccupied property 'band' is being introduced from 1 April 2021. Where a property has remained empty for more than 10 years, Councils will be allowed to charge a 'premium' of up to 300%.

Although the Council has decided not to levy a 'premium' so far to date, it is proposed to introduce a council tax 'premium' for long term properties in future years given it is likely to act as a key driver in bringing empty properties back into use. However rather than introduce a premium from 1 April 2020, it is instead proposed to write to the current owners of long term empty properties to explain that the Council is intending to introduce the maximum 'premiums' from 1 April 2021. This would therefore allow property owners sufficient time to respond to this proposed change.

Following the above, confirmation or otherwise of the 'in principle' decision to introduce 'premiums' from April 2021 will form part of agreeing the council tax discounts for 2021/22 that will be presented to members in November 2020.

As highlighted in previous years, the Council does receive feedback from residents or other third parties in terms of putting forward a case to review existing discounts or introduce new ones. This year the Council has recently been contacted jointly by the Children's Commissioner for England and The Children's Society asking that the Council considers a council tax exemption / discount for young people leaving care. It is understood that this request has been made nationally.

On the face of it, this seems a simple request but there are a number of factors to consider such as the potential number of young people affected and how this could impact on other preceptors such as ECC who have a direct role in this policy area. Therefore given the relatively late request from the Children's Commissioner for England / The Children's Society, it

would be difficult to undertake the necessary review in time to make an informed decision either way for 2020/21.

However a recommendation has been included above, asking officers to review the situation next year and report back to members as part of the consideration of the council tax discounts for 2021/22 which will be reported in November 2020.

Based on the above, full details of the proposed discretionary discounts are set out in **Appendix C**.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix D** is the proposed Annual MRP policy statement for 2020/21 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

The policy sets out how the Council will make provision for the eventual repayment of any borrowing undertaken to finance capital expenditure. The policy, which is unchanged from 2019/20, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2020/21 over the coming months.

As explained last year, it is recognised that the Council's MRP Statement may need to be reviewed in the context of the Garden Communities project as it continues to develop. If any changes are required then they will be presented to members separately as part of the Garden Communities decision making processes and/or as part of this annual review process in future years.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2020/21

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2020/21

Appendix D Annual Minimum Revenue Provision Policy Statement 2020/21

This page is intentionally left blank



Local Council Tax Support Scheme (LCTS) 2020/21

**A summary of the scheme for Working Age persons and
the Government Scheme for Pension Age claimants**

Local Council Tax Support (**LCTS**)

A summary of the scheme for Working Age persons and the Government scheme for Pension Age claimants 1

 Introduction 4

The LCTS scheme for working age persons 4

 The LCTS scheme for working age persons 4

 Class 1 4

 Class 2 4

 What LCTS will be payable to working age person? 5

 Protection for certain working age persons 5

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed) 5

 The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed) 5

 Class 1 5

 Class 2 6

 Class 3 6

 What LCTS will be payable to Pension Age persons? 6

How LCTS works 6

 Who can claim? 6

 How much LCTS can I get? 7

 How is maximum LCTS calculated for the Working Age Scheme 7

 How is maximum LCTS calculated for the Pension Age Scheme 7

 Extended Payments 7

 If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance or income related Employment and Support Allowance... Capital 8

 Absences from home 8

 Going away 8

 How to claim 8

 Appointees 9

 Information and evidence 9

 How long will it take to decide your claim for LCTS 9

 Date of claim 9

 If you change your address 9

 Backdating a claim 9

 Start of LCTS 9

 Start of LCTS where a claimant acquires a partner 10

 End of LCTS 10

 End of Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance or income related Employment and Support Allowance entitlement ... People who live with you - non-dependants 10

 Non-dependants 10

 Non-dependant deductions from LCTS (Pension Age Scheme) 11

 Working out the amount of LCTS 11

 How is maximum LCTS calculated for the Working Age Scheme 11

 How is maximum LCTS calculated for the Pension Age Scheme 11

 What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance or income related Employment and Support Allowance?. Second Adult Discount Pension Age Scheme 12

 Income less than applicable amount 13

 Income greater than applicable amount 13



Calculating your needs.....	13
Living Allowances or Applicable Amounts	14
Calculating your resources	16
Income	16
Capital.....	20
How LCTS is paid	23
How you will be notified about your LCTS	24
How can I appeal?	23
Changes of circumstances	24
Students.....	24
Information and information sharing	25
Counter Fraud and Compliance	26

Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance on Maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), Maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance Maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2020/21 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2020/21 the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- o Families in receipt of child benefit;
- o Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- o War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (*applicable amounts*) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council via the Tendring District Council website at www.tendringdc.gov.uk or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be

provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that

your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;



- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.



How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
--------------	--------------------------



(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	<p>Gross Income is less than £206.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £206.00 per week but less than £266.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p> <p><i>(Above are 2019 rates which will be subject to a 2020 uplift by the Govt.)</i></p>
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit, income-related employment and support allowance or income support, living with a full-time student(s).	100 % of the Council Tax due in respect of that day.

Income less than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and



premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance/Personal Independence Payment.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or



- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment.
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service



Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:
 - a rate for each dependent child/young person in your household who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for a single person who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for couples where at least one member of the couple receives the highest rate of DLA/Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.



Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the



gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings. The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which



is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).



Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The



balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have



notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.



If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.



How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does



cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement



The Council may receive and obtain information and evidence relating to claims for LCTS from—

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for, LCTS purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.



**Localised Support for Council Tax
Exceptional Hardship Policy**

1.0	Background	3
2.0	Exceptional Hardship Fund and Equalities	3
3.0	Purpose of this policy	4
4.0	The Exceptional Hardship Fund Process	4
5.0	Awarding an Exceptional Hardship Fund Payment	5
6.0	Publicity	6
7.0	Claiming an Exceptional Hardship Fund payment	6
8.0	Changes in circumstances.....	7
9.0	Duties of the applicant and the applicant’s household	7
10.0	The award and duration of an Exceptional Hardship Payment.....	7
11.0	Award of the Exceptional Hardship Fund payment.....	7
12.0	Overpaid Exceptional Hardship Fund Payments.....	7
13.0	Notification of an award	7
14.0	Appeals.....	7
15.0	Fraud	8
16.0	Complaints.....	8
17.0	Policy Review	8

1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
- Make a separate application for assistance;
 - Provide full details of their income and expenditure;
 - Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
 - Identify potential changes in payment methods and arrangements to assist the applicant;
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
 - Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.
- 4.2 Through the operation of this policy the Council will look to
- Support those in exceptional hardship;
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.
- 4.3 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton between 10am and 4pm Monday to Friday.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's Complaints Procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2020/2021 financial year:-

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

0% discount (on the days when the property cannot be used due to a planning restriction a statutory exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

100% discount up to 12 months

This page is intentionally left blank

ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2020/21

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

Unlike a mortgage where amounts of principal are repaid each month, the borrowing undertaken by this Council may be repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be reviewed as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2020/21, no changes compared to 2019/20 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2020/21 is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2020/21 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

84. **LEADER OF THE COUNCIL'S ITEMS - A.1 - A NEW CORPORATE PLAN 2020 - 2024**

The Cabinet gave consideration to a report of the Leader of the Council (A.1) which sought its approval for the onward recommendation to Full Council of the final proposals for the Council's new Corporate Plan 2020/24.

Cabinet recalled that, at its meeting held on 13 September 2019, it had agreed the draft proposals for the Corporate Plan 2020/24 as its initial proposals for consultation purposes. That consultation process had included presentation to the two Overview and Scrutiny Committees (*for consideration and comment back to Cabinet*), and consultation with key partners (*other Local Authorities, Parish and Town Councils*), community representatives, local primary and secondary schools, members of the public and industry and business bodies. The feedback from that consultation process was summarised within the Leader's report.

Members were informed that the final proposed Corporate Plan continued to follow the principles which had been previously agreed by the Cabinet, namely:-

- a "Plan on a Page";
- with Community Leadership at its heart
- with other cross-cutting themes identified such as Tendring4Growth; and
- with a clear statement of the Council's overall vision and values.

It was reported that, following the consultation process and as part of working collaboratively, a number of consultees had requested that the Future of Essex and the vision and ambitions this document set out, be included with Tendring's final proposals. Therefore the Leader of the Council was recommending that within the values section and working collaboratively that this section be expanded as follows:

"Working collaboratively with partners, including supporting the Essex wide vision and ambitions".

The other key themes, remained as previously reported, namely:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance
- A Growing and Inclusive Economy

There had also been some minor updates to the order of priorities within the Corporate Plan.

The "Vision of the Council" remained unchanged from the initial proposals.

Having considered the final proposals for the Corporate Plan 2020/24, as set out in Appendix B to the Leader of the Council's report:-

It was moved by Councillor Stock OBE, seconded by Councillor Newton and:-

RECOMMENDED TO COUNCIL that the final proposals for the Corporate Plan 2020/24, as set out in Appendix B to item A.1 of the Report of the Leader of the Council, be

approved, subject to within the section headed “A Growing and Inclusive Economy” the aspiration “*Maximise our seafront opportunities*” being amended to read “*Maximise our **coastal and** seafront opportunities*”.

CABINET

20 DECEMBER 2019

REPORT OF THE LEADER OF THE COUNCIL

A.1 A NEW CORPORATE PLAN 2020/24

(Report prepared by Martyn Knappett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet approval and recommendation to Full Council, the final proposals for the Corporate Plan 2020/24 following full consultation with key partners and stakeholders.

EXECUTIVE SUMMARY

At its meeting on 13th September 2019, the Cabinet agreed the draft proposals for the Corporate Plan 2020/24 (*as set out in Appendix A*) as its initial proposals for consultation purposes.

The consultation process included; presentation to the two Overview and Scrutiny Committees (*for consideration and comment back to Cabinet*), and consultation with key partners (*other Local Authorities, Parish and Town Councils*) community representatives, local primary and secondary schools, members of the public and industry and business bodies. The feedback from the consultation process has been summarised within this report.

The Corporate Plan, final proposals continues to follow the principles which were previously agreed by the Cabinet, namely:-

- A “Plan on a Page”
- With Community Leadership at its heart
- With other cross-cutting themes identified such as Tendring4Growth
- And with a clear statement of the Council’s overall vision and values.

However, following the consultation process and as part of working collaboratively, a number of consultees have requested that the *Future of Essex and the vision and ambitions this sets out, be included with Tendring’s final proposals. Therefore it is recommended within the Values section and working collaboratively that this section is expanded as follows:

Working collaboratively with partners, including supporting the Essex wide vision and ambitions.

The other key themes, remain as previously reported:

- **Delivering High Quality Services**
- **Community Leadership Through Partnerships**
- **Building Sustainable Communities for the Future**
- **Strong Finances and Governance**
- **A Growing and Inclusive Economy**

There have also been some minor updates to the order of priorities within the Corporate Plan.

The **Vision of the Council** remains unchanged from the initial proposals.

The previously agreed **timetable** for completion of the Corporate Plan still stands and seeks approval by Full Council in early 2020.

RECOMMENDATION(S)

It is recommended that Cabinet agree the final proposals for the Corporate Plan 2020/24 as set out in Appendix B and recommends them to Full Council for approval.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Corporate Plan sets out high level priorities for the Council 2020/24.

FINANCE, OTHER RESOURCES AND RISK

There are no financial implications in setting out the Council's aspirations in a Corporate Plan. Individual projects still need to be fully and properly assessed and formally approved prior to commencing. One of the priorities from the LGA Peer Challenge carried out in 2018 was that an enhanced approach to project management, project delivery and performance reporting be brought into use. This will encompass a full assessment of resources and risk.

LEGAL

The Corporate Plan forms part of the Council's Policy Framework which means it must be approved by Full Council following a process involving both Cabinet and Overview and Scrutiny.

The legal implications of individual projects will be assessed when they are brought forward for formal decisions to be made.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The implications of individual projects will need to be fully and properly assessed and approved prior to commencing. As with resources and risk assessment of other implications will be included as part of enhanced project delivery arrangements.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Corporate Plan 2020/24

The Council's Corporate Plan sets out the Council's vision and values together with key strategic long term aims and priorities. Once adopted by Full Council, it is part of the Council's Budget and Policy framework and thus sets the direction and context for the Council's work for the period of the Plan.

Initial proposals for a Corporate Plan were prepared and agreed by Cabinet; they were then reported to the Overview and Scrutiny Committees (*for consideration and comment back to Cabinet*) and consultation was undertaken with key partners of the Council and other

stakeholders.

The consultation process is now concluded and final proposals remain much the same as the Cabinets initial proposals. Consultation feedback has been largely positive with the majority of respondents supporting Tendring's proposals for a Corporate Plan and the themes within. All respondents recognise the importance of partnership working in order to deliver against the various work streams and as such Community Leadership remains as the predominant cross-cutting theme.

Furthermore, the Tendring4Growth cross-cutting theme links to the aspirations identified through the Future of Essex, which outlines a shared vision for change.

A sample of the consultation feedback can be found below:-

"We are pleased to see the clear commitment to partnership working".

"The proposed plan is a clear and concise document."

"It is a positive that the lobbying for Tendring's future has been placed under the partnerships and community leadership section following conversations at various partnership forums about how we can work together to lobby central government."

"There is clear alignment across the aims with the priorities emerging from Essex Chief Executives, Essex Leaders and Chief Execs and Essex Partners."

"Very pleased to see that the draft includes Tendring4Growth, Heritage/Culture and Effective regulation and enforcement."

"I think the carbon natural comments perfectly sum up how forward thinking and ambitious Tendring is".

"Within the partnership aims it would be good if reference could be made to the Future of Essex and the vision and ambitions this sets out".

"Would like to see enforcement taken a step further and that there should be a 'will' to enforce across the Council".

"Need for positive promotion and lobbying for a positive image and perception of Jaywick Sands. Press for improved provision regarding Special Educational Needs which was considered to be very poor. Press for better mental health services provision for 18 to 25 year olds. Support for "less waste / more recycling" - and urging support for community and school based recycling projects".

"Would also like to see as priorities for the Council, road safety and investments in local amenities, infrastructure for all the additional housing and support for rural communities".

In total 17 consultation responses were received from the following:

- 1 Local Business
- 3 Councillors
- 6 Senior Managers
- 3 Parish /Town Councils
- 1 Local Authority

- CVST (Community Voluntary Services, Tendring)
- Both Overview and Scrutiny Committees

All respondents received an acknowledgment in relation to their comments. Where appropriate, once the Corporate Plan is finalised, further correspondence will be sent giving the respondents information about Council processes and structures for clarification, alongside thanking them again individually for their replies.

The Council's performance management arrangements seek to establish a clear linkage, sometimes referred to as a "golden thread", between the long term aims of the Corporate Plan, the medium term priorities and projects, the deliverables identified for those priorities and projects and the more detailed service aims set out in Departmental Plans and ultimately in the individual performance aims set for individual officers.

At its meeting of the 8th November, the Cabinet agreed the deliverables and measurable outcomes for the Cabinets agreed Priorities and Projects 2019/20, which deliver against the key themes identified in the Corporate Plan. Many of the suggested priorities, highlighted throughout the consultation process (*such as those above*), are addressed in the Councils performance management arrangements.

Finally, having a clear statement of the Vision of the Council and the values it expects all Members and staff to adhere to also have a wide and deep influence on the day to day working of the Council.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX A – DRAFT CORPORATE PLAN
APPENDIX B – CORPORATE PLAN FINAL PROPOSALS

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

Delivering High Quality Services

- Modern, high quality buildings and facilities for customers and staff
- 24 hour a day digital services – My Tendring
- Minimise waste; Maximise recycling
- Proactive Planning Service
- Public spaces to be proud of
- Effective regulation and enforcement
- Carbon Neutral by 2030

Tendring District Council Corporate Plan 2020-2024



INVESTORS
IN PEOPLE | Gold

Community Leadership Through Partnerships

- Health and wellbeing - for effective services and improved public health
- Education - for improved outcomes
- Law and Order - for a safer community
- Sport England and Active Essex- for physical activity and wellbeing
- Joined up public services for the benefit of our residents and businesses
- Influence and lobby - for Tendring's future

Community Leadership Tendring4Growth

Building Sustainable Communities for the Future

- North Essex Garden Communities
- Jaywick Sands - more and better housing; supporting the community
- Vibrant Town Centres
- Building and managing our own homes
- Effective planning policies

Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan
- Effective and positive Governance
- Strong and focused leadership
- Use assets to support priorities

A Growing and Inclusive Economy

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities

Our Values

- ◆ Councillors and staff uphold **personal integrity, honesty** and **respect** for others
- ◆ **Innovative, flexible, professional** staff **committed** to delivering excellence
- ◆ Recognising the diversity and **equality** of individuals
- ◆ Working **Collaboratively**

This page is intentionally left blank

Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

Delivering High Quality Services

- 24 hour a day digital services – My Tendring
- Modern, high quality buildings and facilities for customers and staff
- Minimise waste; Maximise recycling
- Proactive Planning Service
- Public spaces to be proud of in urban and rural areas
- Effective regulation and enforcement
- Carbon Neutral by 2030

Tendring District Council Corporate Plan 2020-2024



INVESTORS
IN PEOPLE | Gold

Community Leadership Through Partnerships

- Joined up public services for the benefit of our residents and businesses
- Health and wellbeing - for effective services and improved public health
- Education - for improved outcomes
- Law and Order - for a safer community
- Sport England and Active Essex- for physical activity and wellbeing
- Influence and lobby - for Tendring's future

Community Leadership Tendring4Growth

Building Sustainable Communities for the Future

- North Essex Garden Communities
- Jaywick Sands - more and better housing; supporting the community
- Vibrant Town Centres
- Building and managing our own homes
- Effective planning policies

Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan
- Effective and positive Governance
- Strong and focused leadership
- Use assets to support priorities

A Growing and Inclusive Economy

- Develop and attract new businesses
- Support existing businesses
- More and better jobs
- Promote Tendring's tourism, cultural and heritage offers
- Maximise our seafront opportunities

Our Values

- ◆ Councillors and staff uphold **personal integrity, honesty** and **respect** for others
- ◆ **Innovative, flexible, professional** staff **committed** to delivering excellence
- ◆ Recognising the diversity and **equality** of individuals
- ◆ Working **Collaboratively** with partners, including Supporting the Essex wide vision and ambitions

This page is intentionally left blank

COUNCIL

21 JANUARY 2020

REPORT OF CHIEF EXECUTIVE

A.1 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to me, the following appointments have been duly made since the last ordinary meeting of the Council -

Licensing and Registration Committee

Councillor Skeels has been appointed to serve in place of Councillor S A Honeywood.

Planning Policy and Local Plan Committee

Councillor S A Honeywood has been appointed to serve in place of Councillor Skeels.

Standards Committee

Councillor Alexander has been appointed to serve in place of Councillor Amos.

Miscellaneous Licensing Sub-Committee

Councillor Skeels has been appointed to serve in place of Councillor S A Honeywood.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

21 JANUARY 2020

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.1 MEMBERSHIP OF COMMITTEES ETC.

Formal appointments dated 11 October 2019.

COUNCIL

21 JANUARY 2020

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.2 HIGH LEVEL LIGHT-TOUCH REVIEW OF THE SCHEME OF ALLOWANCES FOR COUNCILLORS BY THE INDEPENDENT REMUNERATION PANEL

(Report prepared by Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To receive and consider the report of the Independent Remuneration Panel and determine any changes to the Scheme of Allowances for Councillors 2019/20.

EXECUTIVE SUMMARY

In accordance with the decision of Council at its annual meeting on 28 May 2019, when the current scheme of Allowances for Councillors was approved, the Independent Remuneration Panel has undertaken a high level and light touch review of that scheme and the Panel's report on that review is set out at Appendix A.

RECOMMENDATION(S)

- (a) That the report of the Independent Remuneration Panel, following that Panel's high level and light touch review of the current Scheme of Allowances for Councillors, as set out at Appendix A be received and considered;**
- (b) That the response to the recommendations from the Independent Remuneration Panel set out below be determined:**
 - (1) That, in respect for the proposal for the re-introduction of a Vice-Chairman's Allowance in respect of the Planning Committee, Council approve either:**
 - (a) Retention of the current position:**
 - a. Chairman of Planning Committee - £6,600**
 - b. All other Members of Planning Committee (including the Vice-Chairman) - £900**
 - (b) Adjust the allowances in respect of Planning Committee to the following:**
 - a. Chairman of Planning Committee - £6000,**
 - b. Vice-Chairman of Planning Committee - £1500,**
 - c. All other Members of the Planning Committee - £900.**
 - (2) To make no other change to the scheme of Allowances recommended to, and adopted by, Tendring District Council at its meeting on 28 May 2019.**
- (c) To note that the Independent Remuneration Panel invites submissions for its full review of the Scheme of Allowances for Councillors (to be conducted in March 2020) and specifically on the issues of Group Leader Allowances and the default position of one Special Responsibility Allowance being claimable by an individual Councillor.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of a published Scheme of Allowances for Councillors, having regard to the recommendations of an Independent Remuneration Panel, is consistent with the Council's core values of integrity and openness.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The budget for 2019/20 for Basic and Special Responsibility Allowances for Councillors and for the Council's Chairman and Vice Chairman Allowances totals £402,890. This reflects a reduction of £60,000 to recognise the recent decrease in the number of Councillors. The cost of the proposed scheme is within budget based on the current council and committee structure.

Risk

The crucial feature of the Panel is that it is composed of people unconnected with the local authority. This degree of independence is designed to secure that the Council is directly accountable to the electorate in respect of the payments made to Councillors and that the risk of any lack of transparency is mitigated.

LEGAL

The Local Authorities (Members' Allowances) (England) Regulations 2003 set out the arrangements to be followed in relation to allowances and expenses payable to Councillors. The Regulations set out that regard must be had to the recommendations of an Independent Remuneration Panel before determining or amending the Scheme of Allowances. Consideration of this report and its appendix will enable the Council to meet those statutory requirements.

The Local Government Act 1972 (sections 3 and 5) allows the payment of an allowance to the Chairman and Vice Chairman of the Council.

OTHER IMPLICATIONS

Councillors' Responsibility For Reporting Receipt of Allowances

Councillors are advised to declare the receipt of an allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how allowances to Councillors are treated may vary depending on the benefit claimed and advice should be sought from the relevant administering body. For example, the rules for those in receipt of Housing Benefit and Council Tax Support state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the performance of their duties". Councillors are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

Wards Affected

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND PAPERS FOR THE DECISION
There are no background papers

APPENDICES
Appendix A –Report of the Independent Remuneration Panel

This page is intentionally left blank

REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR TENDRING DISTRICT COUNCIL
October 2019

Background

The Independent Remuneration Panel (IRP) is established under the requirements of the Local Government Act 2000 (as amended) and the Local Authorities (Members' Allowances) (England) Regulations 2003. Its role is to make recommendations on the Council's Scheme of Allowances for Councillors. The Council must have regard to the recommendations from the IRP in respect of any changes to the Scheme of Allowances for Councillors.

The Membership of the IRP, as determined on 27 November 2018 by this Council is as follows:

Jane Watts (Chair)

Sue Gallone

David Irvine

Clarissa Gosling

The current Scheme of Allowances

The IRP considered the Allowances scheme for Councillors on the Tendring District Council for the Municipal Year 2019/20. The IRP's report covered the basic allowance for Councillors, Special Responsibility Allowances and related matters. It is available at the following link:

<https://tdcdemocracy.tendringdc.gov.uk/documents/s19548/A2%20Appendix%20A.pdf>

The report included the following summary of the IRPs recommendations:

Basic Allowance - £5,556

Leader of the Council - £18,900

Cabinet Member (where there are eight or nine Cabinet Members the total allowances for seven Cabinet Members to be divided between them) - £9,072

Opposition Group Leaders (with 4 or more members in the Group) – Amount for being a Group Leader - £900 plus an amount per Group Member of £96

Chairman – Planning Committee - £6,600

Members – Planning Committee - £900

Chairman – Licensing and Registration Committee - £2,784

Chairman – Miscellaneous Licensing Sub Committees - £720

Members of Licensing and Registration Committees - £276

Chairman - Audit Committee - £3,900

Chairman – Community Leadership Overview and Scrutiny Committee - £3,900

Chairman – Resources and Services Overview and Scrutiny Committee - £3,900

Chairman – Human Resources and Council Tax Committee - £2,784

Chairman – Planning Policy and Local Plan Committee - £2,784

Chairman of the Council - £6,348
Vice Chairman of the Council - £1,788

In the report from the IRP in May there was reference to component elements considered by the Panel. These included the workload implications of changes to Councillor numbers from 1 May 2019, the relative workloads and requirements of Committees, comparability with the allowances paid by similar Councils, a 15 hours work per week for Councillors with no special responsibilities, the average Tendring full-time wage of £11.88 per hour and a 40% Public Service Discount. While these were referenced, the IRP was clear that these were more of a guide in determining the recommended allowance figures as set out above.

Tendring District Council considered the report of the IRP at its Annual Meeting on 28 May following the elections to the Council that took place on 2 May 2019. The decisions of Council were:

“RESOLVED that –

(a) the allowances recommended by the Independent Remuneration Panel, as set out in its report attached at Appendix A to item A.2 of the Report of the Head of Democratic Services and Elections, be approved;

(b) the IRP undertakes a high level and light touch review after three months;

(c) the IRP undertakes a further full review for the 2020/21 Municipal Year and makes recommendations to the Annual Meeting of the Council in 2020; and

(d) the Scheme of Members’ Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses.

The Leader of the Council (Councillor Stock OBE) informed Members that a meeting of all Group Leaders would be held as part of the three month review.”

The high level and light touch review

In accordance with the decision at (b) above, the IRP met on 27 September to undertake the high level and light touch review approved by Council on 28 May.

In advance of that meeting, Group Leaders were invited to submit observations, comments and proposals to the IRP so that these could be considered at the meeting on 27 September. The received views are set out at Appendix A to this Report. In addition, the IRP was provided with details of Councillor Allowances adopted by Babergh District Council, Braintree District Council, Chelmsford City Council, Colchester Borough Council, East Suffolk District Council, Ipswich Borough Council, Maldon District Council and Mid-Suffolk District Council. It was also supplied with details of the electorates for the 35 Tendring District Council Wards that existed prior to the elections on 2 May and the 32 Wards that are now in place.

In addition to the matters set out in the submissions from Group Leaders at Appendix A, the IRP also looked at:

- (1) Whether there should continue to be the restriction of each Councillor being able to claim their Basic Allowance and one Special Responsibility Allowance.
- (2) Whether the Vice Chairman of the Planning Committee should receive a special responsibility allowance.
- (3) Whether Group Leader Allowances should apply to Opposition Group Leaders or all Group Leaders.

Conclusions/Recommendations

The IRP reached the following conclusions:

That the average number of electors per councillor varied between 1895 and 2515. However the issues raised by those electors and other residents in the 32 wards will also differ across and between the wards. The Basic Allowance has been set utilising as a base a 15 hour week, before any consideration of special responsibilities, and looking at the numbers of electors does not of itself give a clearer basis for the Basic Allowance than the base hours per week used.

When comparing the Basic Allowance for Councillors in Tendring District Council with those of neighbouring authorities, it was noted that while Tendring's was not the highest, it was in the top half of those for which the IRP had data.

The proposals set out in the May 2018 review, removed the special responsibility allowance for the Vice-Chairman of the Planning Committee. The IRP had increased the recommended Special Responsibility Allowance for all Members of the Planning Committee to reflect the amount of time spent on site visits, training and the business of the Committee. The Vice-Chairman of that Committee would be entitled to that Allowance along with all other Members of it (except the Chairman of the Committee for whom there was a specific Allowance). Having reviewed the approach taken, the IRP considered that it did not have the evidence to suggest that the overall workload of the Committee warranted further public funds to be applied to allowances to that Committee.

In respect of the Special Responsibility Allowances for Group Leaders, the applicability of that Allowance to Leaders of Groups where there are Members in the Administration/Cabinet of the Council and whether there should be a change to the default position of only one Special Responsibility Allowance in respect of Group Leaders, the Panel felt there was a need for more information before making a recommendation. In doing so, it reflected on the fact that a full review of the scheme was scheduled later in the Municipal Year. If there were continuing views and evidence to be considered in respect of these matters (and others) then that was the appropriate time to receive those views/those evidence.

In view of the conclusions reached, the IRP makes the following recommendations:

- (1) That, in respect for the proposal for the re-introduction of a Vice-Chairman's Allowance in respect of the Planning Committee, Council approve either:**
 - (a) Retention of the current position:**
 - a. Chairman of Planning Committee - £6,600**
 - b. All other Members of Planning Committee (including the Vice-Chairman) - £900**
 - (b) Adjust the allowances in respect of Planning Committee to the following:**
 - a. Chairman of Planning Committee - £6000,**
 - b. Vice-Chairman of Planning Committee - £1500,**
 - c. All other Members of the Planning Committee - £900.**
- (2) To make no other change to the scheme of Allowances recommended to, and adopted by, Tendring District Council at its meeting on 28 May 2019.**

The next full review

A full review of the allowances scheme which will be undertaken in time for a report to be submitted to next year's Annual Council. In view of this timetable, the IRP has agreed to meet on Friday 20th March 2020.

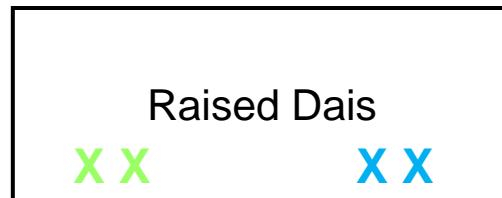
Tendring District Council's Independent Remuneration PanelMeeting to be held on 27 September 2019Submissions from Group Leaders to the Panel (ordered in date of submission)

Submission from which Group	Submission made by	Date of Submission	Submitted detail
Labour Group	Ivan Henderson	12 September 2019	Having consulted members of my group the unanimous view is we are happy with the present agreed Members' allowances.
UKIP	Mary Newton	19 September 2019	We are happy with the review and timetable and have no submissions to give to the IRP.
Tendring Independents	Mark Stephenson	19 September 2019	<p>I wanted to reiterate my point earlier to the IRP that the uplift in councillor allowances did not reflect the additional work created per councillor when the boundary review was implemented. Going from 60 councillors down to 48 gave most councillors an up lift To use my own ward as an example this resulted in approximately 1400 electorate added to our responsibility. In truth this added 700 per councillor as we are a two seat ward. However this must be taken into account given that, pre-boundary review my electorate would have been around 1800 according to council figures used when setting the boundary review. So rough maths shows an uplift of at least 25% in residents that we are now responsible for something not reflected in the remuneration adjustments post boundary review.</p> <p>It most also be noted that the electorate does not comprise of everyone just those on the electorate role. There are those residents who still place demands on councillors that do not appear on the electorate role and of course anyone under the age of 16 is also not represented. Another factor to consider (although to be fair this could be factored in on forthcoming IRP reviews) is that we are serving an ever increasing population (according to ONS predictions).</p> <p>My second point is around group leaders' allowances. Currently there are eight group leaders on the council. Only one group leader is able to claim the group leaders' allowance. With a reduced number of councillors many councillors find themselves wearing two or in the past even three positions that received remuneration. As per the rules (which I have no</p>

			problem with) councillors are only allowed to receive the highest paid remuneration. I believe the group leaders' allowances give a false impression of what is actually being received with so many unable to claim them. I'm not sure what can be done but perhaps the IRP can suggest a solution if they think one is needed.
Independent	Jayne Chapman	19 September 2019	I have to agree with Mark's comments, although Brightlingsea was not involved with Boundary changes our work load has dramatically increased. Even without boundary changes the amount of new residents to all of our areas has significantly increased.
Conservative	Neil Stock	19 September 2019	Mark does make some really good points that I think we should explore further.
Holland on Sea & Eastcliff Matters	No response submitted		
Liberal Democrat			
Tendring First			

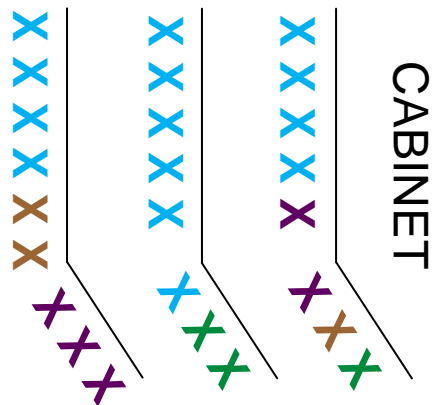
LAYOUT FOR MEETING OF THE COUNCIL - PRINCES THEATRE (JANUARY 2020)

(Chairman
Vice Chairman
Chief Executive
Head of Governance and Legal Services
& Monitoring Officer)



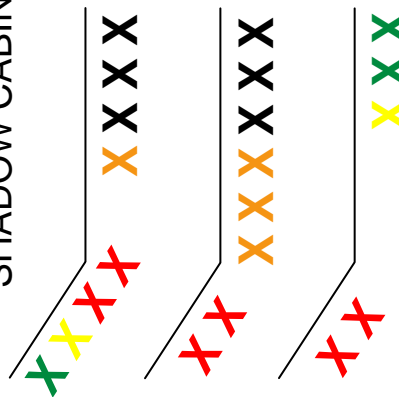
X X

Democratic Services Staff



UNOFFICIAL

SHADOW CABINET



KEY

- X (Blue) = Conservatives
- X (Black) = Trending Independents
- X (Brown) = Holland-on-Sea
- X (Green) = Independent
- X (Red) = Labour
- X (Yellow) = Liberal Democrats
- X (Orange) = Trending First
- X (Purple) = UKIP
- X (Lime) = Officers

SEATING FOR PUBLIC

This page is intentionally left blank

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank