



## CABINET

**DATE:** Friday, 23 April 2021

**TIME:** 10.30 am

**VENUE:** Meeting to be held pursuant to Statutory Instrument 2020/392. Link to live stream will be found at <https://www.tendringdc.gov.uk/livemeetings>

### MEMBERSHIP:

Councillor Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Deputy Leader; Corporate Finance & Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Partnerships Portfolio Holder
Councillor Newton	- Business & Economic Growth Portfolio Holder
Councillor Porter	- Leisure & Tourism Portfolio Holder
Councillor Talbot	- Environment & Public Space Portfolio Holder

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or Telephone on 01255 686584.

**DATE OF PUBLICATION: THURSDAY, 15 APRIL 2021**

## AGENDA

### **1 Apologies for Absence**

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

### **2 Minutes of the Last Meeting (Pages 1 - 14)**

To confirm as a correct record the minutes of the last meeting of the Cabinet held on Friday 19 March 2021.

### **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 Leader of the Council**

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

### **5 Announcements by Cabinet Members**

The Cabinet is asked to note any announcements made by Members of the Cabinet.

### **6 Matters Referred to the Cabinet by the Council**

There are none on this occasion.

### **7 Matters Referred to the Cabinet by a Committee**

There are none on this occasion.

### **8 Leader of the Council's Items - A.1 - Executive Decision(s) taken as a matter of Urgency (Pages 15 - 18)**

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

### **9 Leader of the Council's Items - A.6 - Freeport East (Pages 19 - 24)**

To provide a high level update to Cabinet and to seek support for Tendring District Council to form part of the Freeport East Board and develop governance arrangements for future partnership working in order to meet the timescales set by Government for the formal designation of Freeport East.

### **10 Leader of the Council's Items - A.7 - Communications Strategy (Pages 25 - 40)**

To enable Cabinet to consider adoption of a new Communications Strategy.

**11 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.2 - Clacton and Holland-on-Sea Cliff Stabilisation: Phase 2 (Pages 41 - 48)**

To seek Cabinet's authority for a scheme of work to stabilise failed and failing cliffs at Holland-on-Sea. To seek Cabinet's recommendation to Council that it commits the allocation of funding to the implementation of the proposed remedial work, which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

**12 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.3 - SME / Small House Building Project Update (Pages 49 - 54)**

To update Cabinet on the Small to Medium-sized Enterprise (SME) / Small House Building Project and to seek approval for the acceptance of a proposal submitted.

**13 Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder - A.4 - Adoption of the CCTV Code of Practice (Pages 55 - 128)**

To submit the Tendring District Council CCTV Code of Practice and the Surveillance Camera Commissioner's 12 Guiding Principles to Cabinet, so that it may officially adopt these documents on behalf of the Council.

**14 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Determination of a Nomination to Register an Asset of Community Value: The Allotments, Wivenhoe Road, Alresford CO7 8AQ (Pages 129 - 144)**

To determine whether the Allotments at Wivenhoe Road, Alresford meet the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Alresford Parish Council. No other criteria are pertinent.

**15 Management Team Items**

There are none on this occasion.

**16 Exclusion of Press and Public**

The Cabinet is asked to consider passing 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 Items 17 and 18 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act."

**17 Exempt Minute of the Meeting held on Friday 19 March 2021 (Pages 145 - 146)**

To confirm as a correct record the exempt minute of the meeting of the Cabinet held on Friday 19 March 2021.

**18**     **Cabinet Members' Items - Report of the Housing Portfolio Holder - B.1 - Details of the Invitation to Submit Proposal received through the SME/Small Housebuilding Project (Pages 147 - 184)**

To advise Cabinet on the Invitation to Submit Proposal (ISP) which was received through the SME/Small Housebuilding Project and to seek approval to enter into a contract to purchase the three bungalows proposed.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Cabinet is to be held at 10.30 am on Friday, 21 May 2021.*

### **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

## **Notice of Intention to Conduct Business in Private**

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item Nos. 17 and 18 are likely to be considered in private for the following reason:

The items detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Agenda Item 17 - Exempt Minute of the Meeting held on Friday 19 March 2021

Agenda Item 18 - Cabinet Members' Items - Report of the Housing Portfolio Holder - B.1 - Details of the Invitation to Submit Proposal received through the SME/Small Housebuilding Project

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 19TH MARCH, 2021 AT 10.30 AM  
MEETING WAS HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

**Present:** Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Deputy Leader; Corporate Finance & Governance Portfolio Holder), Paul Honeywood (Housing Portfolio Holder), Lynda McWilliams (Partnerships Portfolio Holder), Mary Newton (Business & Economic Growth Portfolio Holder), Alex Porter (Leisure & Tourism Portfolio Holder) and Michael Talbot (Environment & Public Space Portfolio Holder)

**Group Leaders Present by Invitation:** Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman (Leader of the Independents Group), Ivan Henderson (Leader of the Labour Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of the Tendring Independents Group)

**In Attendance:** Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Michael Carran (Assistant Director (Economic Growth and Leisure)), Keith Simmons (Head of Democratic Services and Elections), Peter Russell (Executive Projects Manager - Housing), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Karen Harges (IT Training Officer) and Matt Cattermole (Communications Assistant)

**144. APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted on this occasion.

**145. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Cabinet held on Friday 19 February 2021 be approved as a correct record.

**146. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time.

**147. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL**

There were no announcements made by the Leader of the Council on this occasion.

**148. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no announcements made by Cabinet Members on this occasion.

**149. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

**150. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE OVERVIEW & SCRUTINY COMMITTEES - A.1 - SCRUTINY OF PRIORITY FOR ACTIONS 2021/22 AND MONITORING THE DELIVERY OF THOSE ACTIONS**

Cabinet was aware that, at the meeting of the Community Leadership Overview and Scrutiny Committee held on 8 February 2021 that Committee had, inter alia, considered Cabinet's proposed priority actions for 2021/22 to deliver against the themes of the Council's adopted Corporate Plan 2020/24.

After deliberation that Committee had recommended to Cabinet that:-

- *Any specific schemes that Members wish to be considered be submitted to the appropriate Portfolio Holder for an initial evaluation and then submitted to Cabinet for its formal decision.*
- *Cabinet re-examines its position with the view to establishing a wider focus in relation to the expenditure of monies.*

Cabinet was further aware that the Resources and Services Overview & Scrutiny Committee, at its meeting held on 1 February 2021, had also considered Cabinet's proposed priority actions for 2021/22 and had resolved that:-

*"the Committee notes and fully endorses this report and thanks the Cabinet for bringing forth this piece of work."*

The Cabinet had before it the following response thereto which had been submitted by the Leader of the Council (Councillor Stock OBE):-

*"I welcome the fact that Council's Overview and Scrutiny Committees have been able to contribute to the discussion on the key priority actions for 2021/22. This matter is addressed in the report later in the agenda and the views of the Overview and Scrutiny Committees will be taken into account at that point in the meeting."*

Having considered the recommendations submitted by the Community Leadership Overview & Scrutiny Committee together with the Leader of the Council's response thereto:

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

**RESOLVED** that the Overview and Scrutiny Committees be thanked for the views submitted and that the comments of the Leader of the Council, in response thereto, be endorsed.

**151. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE OVERVIEW & SCRUTINY COMMITTEES AND THE AUDIT COMMITTEE - A.2 - SCRUTINY OF NEGC LTD AND GOVERNANCE OF FUTURE COUNCIL CONTROLLED COMPANIES**

Cabinet was aware that, at the meeting of the Resources and Services Overview and Scrutiny Committee held on 16 November 2020, that Committee had considered the



Joint Scrutiny Panel's final report following its activities of the former NEGC Ltd and the related subject of the governance mechanisms of future Council controlled companies.

After deliberation the Committee had recommended to Cabinet that:

- (1) *To note that the winding up of NEGC Ltd meant that the rationale for establishing the Joint Scrutiny Panel, and the approved scope of the Panel, had also ended and that this Committee and the Community Leadership Overview and Scrutiny Committee would formally note that the Panel was being dissolved.*
- (2) *That this Committee having received the following recommendations from the Joint Scrutiny Panel and submits (a), (b) and (d) below to the Cabinet for its consideration:*
  - (a) *To record and applaud the hard work of officers in respect of the development of the Tendring-Colchester Borders Garden Community that resulted in the proposals for the Garden Community being accepted by the Local Plan Inspector in his enquiry into the draft Local Plan.*
  - (b) *To note that there is important work being undertaken on various work streams to secure an exemplar development through the Tendring-Colchester Borders Garden Community.*
  - (c) *To establish a further Joint Scrutiny Panel at an appropriate time in the future to monitor, examine and review arrangements for delivery of the Tendring-Colchester Borders Garden Community (and particularly the commitments and financial expose of the Council to any external body established by the Council to lead on the development of that Garden Community).*
  - (d) To endorse the principle that where the Council establishes a company limited by shares (on its own or with other bodies) that it also establishes a Shareholder Group (either solely or with the other public bodies where the company established jointly) and that, the terms of reference similar to those set out at Appendix A to this report should form the terms of reference for that Shareholder Group, adjusted as necessary to the particular circumstances, business of the Company and consideration of such matters as:**
    - (i) *How any co-opted members are used and how they are defined in the terms of reference;*
    - (ii) ***The Chairman of the relevant overview and scrutiny committee and the Chairman of the Audit Committee being appointed to the Shareholder Group as non-voting members; and***
    - (iii) *Ensuring that any "invitations to attend" issued to councillors or officers etc. must be provided to such persons at least five working days in advance of the meeting.*

Cabinet was also aware that the Audit Committee, at its meeting held on 25 February 2021, had considered the above recommendations of the Resources and Services

Overview & Scrutiny Committee insofar as they related to the Audit Committee (i.e. those paragraphs highlighted in bold above).

Having expressed its concern and determination that the independence of the Audit Committee should be maintained the Audit Committee had:-

**“RESOLVED** that the Audit Committee -

- (a) *notes the contents of the report and the suggestion from the Resources and Services Overview and Scrutiny Committee that, in principle, a Shareholder Group should be formed where the Council establishes a company;*
- (b) *whilst supporting the principle of the Shareholder Group, does not agree, that the terms of reference of that Group should be established at this stage; and therefore*
- (c) *recommends to Cabinet that further work be undertaken by a small group made up of representatives from Cabinet, the Chairmen of the two Overview and Scrutiny Committees and the Chairman of the Audit Committee, together with the Monitoring Officer and the Section 151 Officer to look into the concerns raised in a joined up approach prior to further recommendations being submitted to the Cabinet.”*

Cabinet was further aware that the Community Leadership Overview & Scrutiny Committee, at its meeting held on 1 March 2021, had also considered the final report of the Joint Scrutiny Panel and the above recommendations of the Resources and Services Overview & Scrutiny Committee and it was:-

**“RESOLVED -**

1. *Notes that the Joint Scrutiny Panel has been dissolved following the decision for NEGC Ltd to cease trading (and for it to be wound up) as the rationale for establishing the Panel (and the approved scope of the Panel), has ended and that Cabinet be requested to note the same.*
2. *Notes the following recommendations from the Joint Scrutiny Panel and formally submits (a), (b), (d) and (e) below to the Cabinet for its consideration:*
  - (a) *To record and applaud the hard work of officers in respect of the development of the Tendring-Colchester Borders Garden Community that resulted in the proposals for the Garden Community being accepted by the Local Plan Inspector in his enquiry into the draft Local Plan.*
  - (b) *To note that there is important work being undertaken on various work streams to secure an exemplar development through the Tendring-Colchester Borders Garden Community.*
  - (c) *To establish a further Joint Scrutiny Panel at an appropriate time in the future to monitor, examine and review arrangements for delivery of the Tendring-Colchester Borders Garden Community (and particularly the commitments and financial expose of the Council to any external body established by the Council to lead on the development of that Garden Community).*
  - (d) *To endorse the principle that where the Council establishes/joins a company limited by shares (on its own or with other bodies) that it also establishes a Shareholder Group (either solely or with the other public bodies where the company established jointly) **and that a recommendation be submitted to***

**Council to include this in the Constitution for when the Council does establish/join such a company.**

- (e) *That the broad approach to the terms of reference of any such Shareholder Group, as submitted to the Joint Scrutiny Panel based on the good practice identified by Lawyers in Local Government, be referred to a small group made up of representatives from Cabinet, the Chairmen of the two Overview and Scrutiny Committees and the Chairman of the Audit Committee, together with the Monitoring Officer and the Section 151 Officer prior to further a further recommendation being submitted to the Cabinet.”*

The Cabinet had before it the following response thereto which had been submitted by the Portfolio Holder for Corporate Finance and Governance:-

*“I thank the Overview and Scrutiny Committees and Audit Committee for their review of governance arrangements for local authority companies. A small group being set up, with those representatives identified in the recommendations, is a sensible approach to undertake a joined up consideration of the detail and implications, before any potential Shareholder Group terms of reference are proposed. Any consequential changes to the Constitution can be included through the annual review led by the Portfolio Holder for Corporate Finance and Governance, together with the Monitoring Officer, with the necessary reports following.”*

Having considered the recommendations submitted by the Overview & Scrutiny Committees and the Audit Committee together with the Portfolio Holder for Corporate Finance and Governance’s response thereto:

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

**RESOLVED** that the recommendations of the Overview and Scrutiny Committees and the Audit Committee be noted and the comments of the Corporate Finance & Governance Portfolio Holder, in response thereto, be endorsed.

**152. LEADER OF THE COUNCIL'S ITEMS - A.3 - EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY**

The Cabinet gave consideration to a report of the Leader of the Council (A.3) which notified Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

The Cabinet recalled that, as part of the Council’s response to the COVID-19 public health emergency the Council’s Monitoring Officer had produced a formal “Note on Decision Making Business Continuity Arrangements” which had set out the ways in which the normal operational business of the Council could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer’s formal Note, as issued on 20 March 2020, had contained, inter alia, the following information and advice:

*“The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:*

- a. Following a resolution of the Cabinet (subject to the Constitution), or*

*b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.*

*In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.*

*Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:*

- a formal decision will be published recording the matters taken into account;*
- at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

*Whilst it was anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”*

The Monitoring Officer had considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

It was reported that in making the decision in question the Leader of the Council had exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

Members were reminded that the decision taken as a matter of urgency had related to:-

*“Extension of the Additional Restrictions Support Grant Scheme [Published 25 February 2021]*

*Decision: To extend the current Additional Restrictions Business Grant Scheme to 31 March 2021 (from 15 February 2021) to ensure it remains in line with the Government's Mandatory 'National Restrictions' Schemes.”*

Having considered the contents of the report:

It was moved by Councillor Stock OBE, moved by Councillor G V Guglielmi and:

**RESOLVED** that –

- the contents of the report be noted; and
- the urgent decision taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.

**153. LEADER OF THE COUNCIL'S ITEMS - A.4 - PRIORITY ACTIONS FOR 2021/22 AND MONITORING DELIVERY OF THOSE ACTIONS**

Further to Minute 121 (29.1.21) and Minute 149 above, the Cabinet gave consideration to a report of the Leader of the Council (A.4) which requested it to finalise its key priority actions for 2021/22 and the means by which performance against the priorities would be monitored and reported on in that year.

Having considered the outcome of the consultation with the Overview and Scrutiny Committees on the provisional list of key priority actions agreed by Cabinet on 29 January 2021, together with the contents of the Leader of the Council's report and its appendices:

It was moved by Councillor Stock OBE, moved by Councillor G V Guglielmi and:-

**RESOLVED** that –

- (a) the outcome of the consultation with the Overview and Scrutiny Committees on the provisional list of key priority actions agreed by Cabinet on 29 January 2021 be received and welcomed;
- (b) the key priority actions for 2021/22, as set out at Appendix A to item A.4 of the Report of the Leader of the Council, be approved and adopted; and
- (c) the means by which performance against the priority actions will be monitored and reported on in that year be determined on the basis as set out in Appendix B to the aforementioned report.

**154. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.5 - PROGRAMME OF MEETINGS: 2021/2022 MUNICIPAL YEAR**

The Cabinet had before it a report of the Corporate Finance & Governance Portfolio Holder (A.5) which sought its consideration to the programme of meetings for the 2021/2022 Municipal Year and to enable it, as required by the Constitution, to submit a programme of meetings for formal approval to the Annual Meeting of the Council

Having considered the proposed programme of meetings:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:-

**RESOLVED** that –

- (a) the programme of meetings for the Council and Committees, as set out in the Appendix to item A.5 of the Report of the Corporate Finance & Governance Portfolio Holder, be agreed, in principle, and be submitted to the Annual Meeting of the Council for its formal approval; and
- (b) the proposed dates for All Member Briefings for Members be noted.

**155. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.6 - DETERMINATION OF A NOMINATION TO REGISTER AN ASSET**

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**OF COMMUNITY VALUE: THE NEVER SAY DIE, 24 BROADWAY, JAYWICK SANDS, CLACTON-ON-SEA CO15 2EH**

The Cabinet gave consideration to a report of the Partnerships Portfolio Holder (A.6) which sought its determination whether The Never Say Die Public House, Jaywick Sands met the criteria set out in the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by the Jaywick Sands Revival Community Interest Company (CIC) and Charity Based Society (CBC). No other criteria were pertinent.

It was reported that a valid nomination to register an asset of community value had been received for The Never Say Die PH, as shown identified in the plan included within Appendix A to the Portfolio Holder's report.

Members were reminded that if a local authority received a valid nomination, it must determine whether the land or building nominated met the definition of an asset of community value, as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Cabinet was further advised that the Government's non-statutory guidance defined an asset of community value as: "*Building or other land whose main (i.e. "non-ancillary") use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future*". The Portfolio Holder's report provided an assessment of the nomination.

The Cabinet therefore were required to consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council's List of Assets of Community Value.

Taking the evidence provided into account it was the Portfolio Holder's recommendation that the building nominated did meet the criteria as set out Section 88 of the Localism Act 2011 and that the building should be listed as an Asset of Community Value.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendix:-

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

**RESOLVED** that The Never Say Die Public House, 24 Broadway, Jaywick Sands, Clacton-on-Sea, Essex CO15 2EH does meet the definition of an Asset of Community Value (as set out in Section 88 of the Localism Act 2011) and that therefore the asset be added to the Council's List of Assets of Community Value.

**156. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.7 - FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY IN CLACTON-ON-SEA**

The Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.7) which sought its approval in principle, for the freehold purchase of a three-bedroomed residential properties in Clacton-on-Sea to meet local housing needs.

Members were aware that the Council had a target to bring 200 additional homes into the council housing stock in order to meet rising demands for high quality, affordable housing in the District. Those homes would be acquired or built via a range of approaches.

It was reported that a development of new housing in Clacton had presented the Council with an opportunity to purchase a vacant three bedroom ex-Council house that was currently for sale on the open market in Clacton-on-Sea.

Members were aware that for a number of years the Council had had a strong demand for three bedroom houses. There were currently 145 families on the Housing Register seeking a three bedroom house in the Clacton-on-Sea area.

Cabinet was informed that in February 2021 Portfolio Holder approval had been obtained by Officers in order to initiate the Council's Property Dealing Procedure, to obtain an independent valuation of the property and to negotiate a price with the owners.

Members were made aware that an independent market valuation had now been obtained and negotiations with the owner had been completed satisfactorily in order to enable the purchase to be progressed to a conclusion. Purchasing this property would add an additional property to the Council's housing stock in the Housing Revenue Account in an area of high demand.

Cabinet was advised that this property met the criteria set out in the Council's Housing Acquisitions and Development Strategy that had been approved in late 2020.

The terms of the purchase were set out in the related Part B report that was to be considered later in the meeting.

Having considered all of the information and advice contained in the Portfolio Holders' joint report:-

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:-

**RESOLVED** that Cabinet –

- (a) authorises, in principle, the freehold purchase of the property for inclusion into the Council's housing stock; and
- (b) authorises, in principle, the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the purchase of the properties (including the completion of all necessary statutory agreements prior to the completion of the purchase), subject to the Cabinet's decision to be taken later in the meeting (following the exclusion of the press and public) in respect of the related Part B report.

**157. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - A.8 - HOUSES IN MULTIPLE OCCUPATION (HMO) POLICY**

Cabinet gave consideration to a joint report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder (A.8) which recommended a Houses in Multiple Occupation (HMO) Policy for adoption.

Members were informed that the HMO Policy set out the Council's corporate approach to the approval of HMOs and the required management expectations and standards for HMOs in the District.

Having duly considered the information and advice contained in the Portfolio Holders' joint report and its appendix:-

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:-

**RESOLVED** that –

- (a) the HMO Policy, as set out in the Appendix to item A.8 of the Joint Report of the Corporate Finance & Governance Portfolio Holder and the Housing Portfolio Holder be adopted; and
- (b) the Housing Portfolio Holder be authorised to make updates or amendments to the policy, if required in the future.

**158. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.9 - FINANCIAL PERFORMANCE REPORT: IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER 2020/21 & LONG TERM FINANCIAL FORECAST UPDATE**

Cabinet gave consideration to a report of the Corporate Finance & Governance Portfolio Holder (A.9) which sought to provide it with an overview of the Council's financial position against the budget as at the end of December 2020 and which presented it with an updated long term forecast.

The report was split over two distinct sections as follows:

- (a) the Council's in-year financial position against the budget at the end of December 2020; and
  - (b) an updated long term financial forecast.
- (a) In respect of the in-year financial position at the end of December 2020:

Cabinet was informed that the position to the end of December 2020, as set out in more detail within the report's appendices, showed that overall the General Fund Revenue Account was underspent against the profiled budget by £12.867m (£10.000m of which related to the timing of expenditure from COVID funding received from the Government, including the accounting treatment of business rate reliefs). It was acknowledged that other expenditure or income trends might still be emerging with the position also largely reflecting the timing of other general expenditure and/or income budgets. However, any significant issues arising to date had been highlighted and comments provided as necessary within the Portfolio Holder's report.



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

Cabinet was reminded that any emerging issues would be monitored and updates provided in future reports which would include their consideration as part of updating the long term financial forecast.

Members were advised that some necessary changes to the 2020/21 budget had been identified which were set out in Appendix H to the Portfolio Holder's report. The same appendix also set out the necessary changes to the budget that reflected the on-going impact of COVID 19, the costs of which to date had been met by the general financial support provided by the Government.

It was reported that the net impact of the budget adjustments would be moved to, or from, the Forecast Risk Fund. At the end of the third quarter, it had been possible to make a contribution to the fund of £245k. As at the end of the third quarter a total of £0.286m had been contributed to the fund to date. This was £0.214m short of the required target of £0.500m set out in the long term forecast, which was a gap that could potentially be closed at the end of the year as part of the overall outturn position.

As in previous years, it was recognised that a number of smaller variances within services emerged over the course of the year that would not necessarily be specifically highlighted or discussed within the in-year finance reports. It was still therefore possible that a range of smaller variances could still remain at the end of the year and contribute to the overall outturn position. In addition, a number of budgets that related to schemes / initiatives or earmarked for specific purposes might not be fully spent by the end of the year and might be subject to end of year processes such as carry forward requests and therefore remain committed. However, at this stage and after taking into account the current position and information available it was anticipated that any adverse issues would be offset by favourable variances elsewhere within the overall budget at the end of the year, which included general COVID 19 support from the Government.

In addition to the above, the report highlighted the development of the Tendring & Colchester Borders (TCB) garden community project and the most up to date funding position. The report also set out a proposal to enable unspent funding from the NEGC project to be transferred to support the delivery of the TCB scheme.

(b) In respect of the updated long term financial forecast:

Members recalled that a summary of the most up to date position for 2021/22 had been considered by Full Council on 16 February 2021 as part of agreeing the detailed budget.

It was reported that there had been no changes made to the forecast position mentioned above, but for completeness, the more detailed long-term position was attached as Appendix I to the Portfolio Holder's report, with the associated review of risks set out in Appendix J thereto. Although the figures set out within Appendix I would change as part of updating the forecast on a regular basis during 2021/22, there had been no issues arising that indicated that the long-term approach was unsustainable.

Cabinet was made aware that following the impact of COVID 19, 2021/22 was now seen as a transitional year and it remained unclear as to the speed and scale of the economic recovery. It was therefore important to highlight that the money set aside in the Forecast Risk fund should not be seen as overly cautious as sensitivity testing had indicated that the fund could be deleted within as little as 3 years if a number of factors arose during the same period.

Members were reminded that the identification of on-going savings remained an important element of the long-term financial plan. The framework in which to identify and develop the required level of savings formed part of the key priority actions set out in the Council's adopted Corporate Plan.

It was also important to continue to deliver against the longer-term approach to the budget as it continued to provide a credible alternative to the more traditional short-term approach, which would require significant additional savings to be identified much earlier in the financial cycle.

Having considered the comprehensive report and appendices of the Portfolio Holder:-

It was moved by Councillor G V Guglielmi, seconded by Councillor McWilliams and:-

**RESOLVED** that –

- (a) in respect of the financial performance against the budget at the end of December 2020 the in-year position for 2020/21 be noted and the updated long term forecast agreed;
- (b) the proposed in-year adjustments to the budget, as set out in Appendix H to the Portfolio Holder's report, be agreed;
- (c) the balance of £0.138m, that represents this Council's unspent contribution to the NEGC project, be transferred and committed to the Tendring & Colchester Borders Garden Community project and that the Corporate Director (Place and Economy), in consultation with the Portfolio Holder for Corporate Finance and Governance, be authorised to approve the use of this funding as part of the associated local authority partnership arrangements; and
- (d) the Resources and Services Overview and Scrutiny Committee be consulted on both the in-year position for 2020/21 and the updated long-term forecast.

**159. MANAGEMENT TEAM ITEMS**

There were none on this occasion.

**160. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:-

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 18 and 19 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

**161. EXEMPT MINUTE OF THE MEETING HELD ON FRIDAY 19 FEBRUARY 2021**

It was **RESOLVED** that the exempt minute of the meeting of the Cabinet, held on Friday 19 February 2021, be approved as a correct record.

**162. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER AND THE HOUSING PORTFOLIO HOLDER - B.1 - TERMS FOR THE FREEHOLD PURCHASE OF A RESIDENTIAL PROPERTY IN CLACTON-ON-SEA**

**RESOLVED** that Cabinet –

- (a) approves the terms for the freehold purchase of the property in question;
- (b) authorises the Corporate Director (Operations and Delivery) to enter into a contract and transfer deed to complete the purchase of the property on the agreed terms and subject to such other terms that he considers necessary; and
- (c) approves the use of Section 106 affordable housing contributions to meet the purchase price.

The Meeting was declared closed at 11.37 am

**Chairman**

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<b>Key Decision Required:</b>	<b>NO</b>	<b>In the Forward Plan:</b>	<b>NO</b>
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## CABINET

23 APRIL 2021

### REPORT OF THE LEADER OF THE COUNCIL

**A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY**  
 (Report prepared by Ian Ford, Committee Services Manager)

**PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

<b>EXECUTIVE SUMMARY</b>
In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

<b>RECOMMENDATIONS</b>
<p><b>(a) That the contents of the report be noted; and</b></p> <p><b>(b) That the urgent decision(s) taken by the Leader of the Council, on behalf of the Cabinet, as detailed in this report, be formally endorsed.</b></p>

**PART 2 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
<p>As part of the Council’s response to the COVID-19 public health emergency the Council’s Monitoring Officer produced a formal “Note on Decision Making Business Continuity Arrangements” which set out the ways in which the normal operational business could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.</p> <p>In relation to Cabinet decisions the Monitoring Officer’s formal Note included, inter alia, the following information and advice:-</p> <p><i>“The Constitution requires certain matters to be decided by Cabinet <u>collectively</u>. The Leader of the Council may exercise any of the powers delegated to the Cabinet:</i></p> <p><i>a. Following a resolution of the Cabinet (subject to the Constitution), or</i></p> <p><i>b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151</i></p>

Officer.

*In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.*

*Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:*

- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

*Whilst it is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed.”*

The Monitoring Officer considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

In making the decision(s) in question the Leader of the Council exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

## **DECISION(S) TAKEN AS A MATTER OF URGENCY**

### **Proposed Changes to Business Grants / Financial Support Schemes [Published 31 March 2021]**

**Decision:** That the Leader of the Council, on behalf of the Cabinet, approves:-

- a) the revised Additional Restrictions Grant Policy, as detailed in the Report of the Chief Executive;
- b) the proposals relating to the LRSG (OPEN) business grant scheme and the Local Council Tax Support Payment Scheme, as set out in the Chief Executive's report and authorises the Assistant Director (Finance & IT) to determine the final grant / payment amounts with the overall cost of the schemes not exceeding the associated funding made available by the Government; and
- c) a delegated power to the Assistant Director (Finance & IT) to implement and administer the scheme and to amend the three schemes set out above in order to reflect any emerging Government guidance as necessary.

<b>BACKGROUND PAPERS</b>
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Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.
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Executive Decision(s) taken by the Leader of the Council published on 31 March 2021.
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<b>APPENDICES</b>
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None.
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<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

23 APRIL 2020

### REPORT OF THE LEADER OF THE COUNCIL

#### A.6 FREEPORT EAST

(Report prepared by Mike Carran and Lisa Hastings)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To provide a high level update to Cabinet and to seek support for Tendring District Council to form part of the Freeport East Board and develop governance arrangements for future partnership working in order to meet the timescales set by Government for the formal designation of Freeport East.

##### EXECUTIVE SUMMARY

- Throughout 2020, the Council worked with public and private sector partners on a bid to present a compelling case for developing Freeport East (which includes Harwich International and Felixstowe Ports), as one of the Government's nominated Freeports, following EU Exit.
- Following an announcement by the Chancellor of the Exchequer at his budget speech on 3 March 2021, written confirmation was received by Government that '*Freeport East bid has been selected to progress to the next stage of Freeport designation.*'
- Essentially, Freeports are innovative hubs, which boost global trade, attract inward investment and increase prosperity in the surrounding area. The formation of Freeport East, which is a combined bid covering the ports of Harwich and Felixstowe, is expected to create over 13,500 jobs. Many of these will be highly skilled.
- Typically, goods brought into a Freeport do not attract a requirement to pay duties until they leave the Freeport and enter the domestic market – and no duty at all is payable if they are re-exported.
- There are now several steps required before confirmation of Freeport status and Civil Servants will be working with partners towards formal confirmation. The key elements of this will be:
  - *Completion of Governance Arrangements for the Freeport East Board*
  - *Completion of a Business Case for Freeport East (two phase process submission of an Outline Business Case (OBC) and Full Business Case (FBC), setting out how seed capital funding will be spent and connecting this investment to the wider Freeport proposal and the delivery of the policy objectives).*
  - *Designation of the Tax Sites and Customs sites authorisation*
- A Freeport is cross-sector and cross-industry development. Freeport East is based upon a partnership between both private and public sectors. Appropriate governance arrangements will be required and developed on the basis of partnership working and joint approaches, in which the District Council will play a part.
- Determining the governance arrangements is an early part of the process and

Government have confirmed they are looking for Freeports to be designated by the end of 2021, so any delay in local decision making may impact on timescales and the ability to receive Government's approval.

- Throughout the formation of the Freeport work programme, Cabinet may be required to make further decisions, where possible these will be taken through the normal Cabinet cycle. If the Leader is required to exercise his urgency powers and take a single Portfolio Holder decision, he will do so following consultation with the Portfolio Holder's working group and reporting back to Cabinet at the next meeting.

## **RECOMMENDATION(S)**

**That Cabinet -**

- a) supports Tendring District Council forming part of a Freeport East Board and developing governance arrangements for future partnership working within the context of this report;**
- b) notes the Leader will allocate Freeport East to his Portfolio and be the lead Member Representative on the Freeport East Board, or similar, if required;**
- c) welcomes the Leader's intention to form a cross-party Portfolio Holder Working Group to ensure consultation and engagement across the Council;**
- d) notes and endorses that the Leader of the Council may be called upon to exercise his delegated powers under the Council's Constitution, to make urgent single Portfolio Holder decisions in relation to Freeport East, subject to undertaking consultation with the Working Group and reporting back to Cabinet thereafter;**
- e) delegates authority to the Chief Executive to nominate such officers he determines to be appointed as officer representatives to any Freeport Board, shadow or otherwise, steering group, or similar; and**
- f) approves the inclusion of the Freeport East project within the Corporate Key Priority Actions for 2021/22, to ensure progress is monitored, acknowledging milestones will need to be formulated as the project progresses.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The delivery of Freeport East will contribute to the Council's priority to 'A Growing and Inclusive Economy' including:

- Developing and attracting new businesses
- Supporting existing businesses
- More and better jobs

The Council's contribution to the Freeport bid was a key action point of the Back to Business agenda, to support the District's recovery from the Covid-19 pandemic.

### **FINANCE, OTHER RESOURCES AND RISK**

## Financial

Currently there is no budget allocated to the Freeports project and if any financial decisions are required they will be undertaken strictly in accordance with the Council Budget and Policy Framework and Financial Procedure Rules. The impact of this report is not to commit the Council financially and if resources are required, financial or otherwise, further decisions will be required, with reports setting out the implications.

## Risk

There will be a risk of key milestones not being met for Freeport East, if decisions are taken solely around the Cabinet Cycle, however the stating position will be to take reports to Cabinet where possible. If the timescales, do not allow full Cabinet approval, the Leader will circulate proposals within his Portfolio Holder Working Group prior to making his decision. Reports will still accompany the single Portfolio Holder decision.

## **LEGAL**

In accordance with Part 3 of the Council's Constitution, Responsibility for Executive Functions is set out in Schedule 3, which states at Part 3.28:

*The Leader of the Council may exercise any of the powers delegated to the Cabinet:*

- a. Following a resolution of the Cabinet (subject to the Constitution), or*
- b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151 Officer.*

*In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.*

All Executive Decisions, whether made by Cabinet or by a single Portfolio Holder are subject to Call-In, unless exemptions are applied for and approved by the Chairman of the relevant Overview and Scrutiny Committee.

## **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.**

There are no direct environmental implications of this report and subsequent decision, however, as part of the alignment with the Corporate Plan the future development of the Freeport East business case will give consideration to the clean energy sector and agendas, in particular the climate emergencies declared by Tendring, East Suffolk, Colchester, Babergh and Mid-Suffolk.

An Equality Impact Assessment will be required as part of any Outline Business Case submitted by Freeport East.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

The Government wants to level up the UK by ensuring that towns, cities and regions across the country can benefit from the opportunities that leaving the EU brings. Now we

have left, the Government has announced the formation of 8 new Freeports. These will be innovative hubs, which boost global trade, attract inward investment and increase prosperity in the surrounding area by generating employment opportunities in some of the most deprived communities around the UK.

Tariff flexibility within Freeports will encourage high-tech manufacturing and simpler customs processes facilitated by cutting-edge technology and will support smoother international trading activity.

Freeports are secure customs zones located at ports where business can be carried out inside a country's land border, but where different customs rules apply. They can reduce administrative burdens and tariff controls, provide relief from duties and import taxes, and ease tax and planning regulations.

Typically, goods brought into a Freeport do not attract a requirement to pay duties until they leave the Freeport and enter the domestic market – and no duty at all is payable if they are re-exported. If raw materials are brought into a Freeport from overseas and processed into a final good before entering the domestic market, then duties will be paid on the final good. Freeports may also offer simplifications to the normal customs administrative processes on imported goods.

Freeports also offer **significant supply chain opportunities** for businesses located in the wider geography out-with the Freeport redline boundary.

The Freeport East Bid was based on the following:

*“Economic analysis conducted by Freeport East as part of its bid submission shows that it can create 13,500 jobs in the region, along with 150 apprenticeships.*

*Over the next five years the Freeport would attract more than £500 million of investment, while the total gross value added to the UK economy is £650 million.*

*Freeport East will ensure the UK has a global port area and boost the trading capacity at Felixstowe by an additional 1.3 million tonnes – the equivalent of over four million containers.*

*The total Freeport area extends out from the twin ports, with a total diameter of 45km, with tax and/or customs sites earmarked for development inland. These are at Horsley Cross, Bathside Bay, Great Blakenham, Gateway 14, the Parker and Anzani Avenue areas of Felixstowe and the Port of Felixstowe Logistics Park.*

*We will use our tax and customs sites to spread and catalyse innovation to create a corridor of prosperity from the Midlands Engine to the East Coast, connecting them to global markets and global markets beyond.*

*Innovation will look at supporting green energy, such as the expansion of offshore wind in the region and new nuclear projects at Sizewell and Bradwell, as well as wider research and development linked in with university partners across the region and beyond around hydrogen technology.*

*Harwich is already home to the operations and maintenance Facility of Galloper Offshore 353MW Wind Farm, so Freeport East can be confident we have the local skills to drive a wave of innovation in green energy.”*

It is proposed that Freeport East adopt a formal corporate structure as a company limited by guarantee with a membership of businesses, institutions and organisations with a demonstrable and evidenced interest in the activities of Freeport East. Membership will extend to local authorities which may have an interest in the success of Freeport East on

behalf of their working residents or local businesses. At the time of writing this report, it is unclear the involvement expected of the District Council in any corporate structure and as part of the Outline Business Case this will be developed further.

**BACKGROUND PAPERS FOR THE DECISION**

None

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<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

23 APRIL 2021

### REPORT OF THE LEADER OF THE COUNCIL

#### **A.7 ADOPTION OF A NEW COMMUNICATIONS STRATEGY**

(Report prepared by Will Lodge)

#### **PART 1 – KEY INFORMATION**

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

To enable Cabinet to consider adoption of a new Communications Strategy.

##### **EXECUTIVE SUMMARY**

The Council’s Communications Strategy was last updated in July 2016 and needs updating to reflect changes in communications best practice, wider societal changes, and changes to the way Tendring District Council (TDC) operates.

A draft Communications Strategy has been drawn up to reflect those changes. It seeks to explicitly align communications with the Corporate Plan, and sets out a vision to improve links between communications and council projects; as well as building upon the recent expansion of the Communications Team.

##### **RECOMMENDATION(S)**

**That the draft Communications Strategy 2021 be approved and adopted.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

Communications helps to deliver many Corporate Priorities. By more closely aligning Communications with the Corporate Plan, and the projects which feed into this, the service can better support delivery of those priorities.

##### **FINANCE, OTHER RESOURCES AND RISK**

###### **Finance and other resources**

There are no financial implications as part of the Communications Strategy. Some of the vision/targets do include drawing up business cases for development of communications tools, but these would all be considered and agreed independently.

###### **Risk**

Ineffective communications can cause or augment risks on various projects. There is no specific risk by adopting (or not adopting) a Communications Strategy.

## **LEGAL**

There is no legal requirement to have a Communications Strategy, though the strategy does reinforce some obligations such as adherence to the Code on Local Government Publicity (2011) and accessibility regulations.

## **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.**

There are no direct environmental implications, however, as part of the alignment with the Corporate Plan communications can support implementation of the Climate Change Delivery Plan.

An Equality Impact Assessment has been carried out on the draft strategy, and no changes are proposed. Effective and accessible communications, as set out in the strategy, can improve equality through ensuring specific groups are appropriately communicated with to enhance and increase levels of engagement between these groups and this organisation.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

A key finding of the LGA Peer Review held in early 2018 identified that Tendring District Council (TDC) should do more to publicise and celebrate the great work that it does and adopt an improved approach to project management.

A key part of the draft strategy is to ensure that communications are aligned with the Corporate Plan, and subsequent to that more closely integrated to the projects that support the Corporate Plan, tying in with the improved procedures and project management work introduced at TDC as an outcome of the LGA Peer Review.

The Communications Team already supports large projects, but the draft strategy sets out a clearer way of doing this: by building in communications to the project planning stage, and devoting more time and resources to this.

Since 2018 much work has been carried out to refresh the way communications is delivered at TDC. This has included the introduction of a Facebook page and far greater usage of Twitter, increased video content, and regular monitoring and evaluation of communications outcomes.

The draft Communications Strategy sets out a vision of consolidating this work and spending a period of time looking to improve the already high quality of communications. This can be seen, for example, through targets to increase the number of videos produced and Facebook followers, having introduced and successfully tested these aspects.

Some new approaches are proposed to be explored as part of the strategy, such as email and SMS communications.



**CURRENT POSITION**

The Council adopted its last Communications Strategy in 2016, and this needs updating to reflect changes in communications best practice, wider societal changes, and changes to the way Tendring District Council (TDC) operates.

**BACKGROUND PAPERS FOR THE DECISION**

Equality Impact Assessment

**APPENDICES**

Draft Communications Strategy 2021

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# Communications Strategy



# Introduction

Much has happened in the year, let alone since our last Communications Strategy was published, but what remains the same is the importance of communicating what we are doing so the public understands it. Indeed, with an era of fake news, changing ways in which people engage with authorities and the sheer volume of information being put into the public domain, it is perhaps now more important than ever before to communicate clearly, accurately and directly.

We have seen that during the Covid-19 pandemic, where our community leadership role has been delivered through reassuring and informative communications to unite our district at a time of immense difficulty. As studies frequently show, local government is a trusted source of information – as it should be.

Good communication establishes trust and a stronger relationship between ourselves and the public; allows more effective service delivery; and a better reputation, which in turns allows us to lever better outcomes for our community. What we do speaks not only for ourselves, but for Tendring as a whole, and we want to shout from the rooftops how proud we are of our district.

By being clear about our roles and responsibilities, our priorities, and being transparent about the way we work, allows us to be more effective and accountable.

This Strategy sets out how we will manage our communications activity, helping to ensure communication between the council and the people and organisations we come into contact with is always appropriate.

We want to keep everyone informed about the council's policies, activities and events, and remain focused on our Corporate Plan. But communication is a two-way street, and we want people to share ideas and opinions with us. We will endeavour to make communication informative, at the right time, and using the right methods.



**Councillor Neil Stock OBE**

**Leader of the Council**

# Code of Recommended Practice on Local Authority Publicity

The Code of Recommended Practice on Local Authority Publicity (2011) says that:

*“Publicity by local authorities should be: lawful; cost-effective; objective; even-handed; appropriate; have regard to equality and diversity, and be issued with care during periods of heightened sensitivity.”*

We will have regard to the Code of Recommended Practice on Local Authority Publicity and all our communication will be free of political bias

As such, we are committed to making all our communications activities:

- **Two-way** - making it easy for people to get in touch with us in ways that suit them.
- **Relevant and appropriate** - 'speaking in the language of our audience', using plain English that people understand. Using the right channel to reach the audience, and putting the right content on each channel.
- **Easily available and easily understood** - in different formats.
- **Consistent** - consistency of messages, tone, style and presentation, with a clear narrative across the range of council core communications.
- **Honest** - telling it how it is, and not over promise.
- **Accountable** - making it clear who is responsible for decisions taken by the council.
- **Timely** - responding promptly to enquiries from third parties such as the media, partners and stakeholder groups. We will make sure that communications are up-to-date.
- **Identifiable** - making clear use of branding to show the communication has come from the council.
- **Efficient** - avoiding unnecessary duplication or contradictory/mixed messages.
- **Planned, but flexible** - ensuring that communication is considered as an integral and early part of service and project planning; while being agile to adapt as situations change and maximising opportunities as they arise.
- **Accessible** - in line with accessibility best practice.
- **Give a Return on Investment** - for services' spending.

Communications must also have regard to other regulations, such as the Code of Corporate Governance and Tendring District Council's Constitution.

# Who communicates and how we communicate

Each and every officer and member of the council has a responsibility for communication, and to do so effectively.

The Communications Team oversees the function by providing advice, guidance and procedures, which ensures information is exchanged in accordance with this strategy. The team also considers long-term and wider planning of communications, to achieve and manage the overall picture of communications across the whole council.

Staff are provided with Customer Service Guidelines, and we also display our Customer Services Standards in our reception and public areas.

As society moves increasingly into a digital age our website and social media are critical methods of exchanging information, while ensuring anyone not digitally enabled is not excluded. This is recognised through our Social Media Strategy, Policy and Guidelines for staff, and the close working relationship between the Communications Team, Customer Services Team and the IT Team.

In the ethos of every officer having a responsibility for communication, these tools are not solely owned by the communications team.

Internal communication – engaging with our staff and ensuring information flows down, up and across the council – is also critical so that our organisation acts effectively and as one.

We have a range of channels through which the council communicates, and people can communicate with us. These include: telephone; face-to-face meetings; our website; press releases; email; social media; consultation groups; Council, Cabinet and other Committee meetings and public questions; consultation events, road shows and displays; reports and policy documents; our corporate strategy; staff and member briefings, emails and newsletters; the intranet; mobile apps.



# Who are we communicating to?

Specific projects will need to reach specific audiences, which will be determined as part of the campaign planning process.

In general terms, though, Tendring District Council has the following audience groups:

- Members; ensuring councillors are also kept informed
- Tendring's public; residents and businesses within the district.
- Wider public; such as visitors to our area.
- Partners; we have a number of key partners, such as other public, third and private sector organisations who we do business with on a day-to-day or project basis.
- Staff; internal communications are critical to ensure all employees are pulling in the same direction and that they are kept informed about the work taking place across the organisation; vital if they are to be ambassadors for Tendring District Council and to form their communications interactions.



Local newspaper titles



Councillor interviewed by BBC Look East

# Vision for Communications

The work of the Communications Team will be more closely, and explicitly, strategically aligned to Tendring District Council's adopted Corporate Plan – while still ensuring that operational-level communications needs are supported and met.

At times of peak workload, when capacity is reached within the team, priority will be given to work which meets Corporate Plan objectives (while also considering factors such as urgency and emerging priorities). Year-to-year this will pick up specifically on the Priorities and Projects and Back to Business agenda.

To manage the annual workflow of the Communications Team, increased involvement in project planning will allow for an overall view of communications needs so that peaks and troughs can be flattened out throughout the year – providing for a more efficient way of working for the team and de-cluttering messaging for the public.

Communications should be seen as part of the solution in many cases, identifying opportunities for positive behaviour change and delivering projects which achieve this (such as on Climate Change or recycling), not simply as a system of informing the public on council activity.

Tendring District Council's Communications Team has expanded in recent years – both in size of the team, and the work it carries out.

While the past three years have been characterised by increased quantity of communications – such as in the expanded use of social media and video – the next three years will build upon this foundation and further improve the existing good quality of those communications.

Having introduced new ways of reaching larger audiences ourselves, now is an appropriate time to solidify those channels and increase the efficiency of our work.

Existing relationships will be strengthened to increase resilience and maximise opportunities for learning and development of new tactics and technologies. Relationships include internally at Tendring District Council, such as with the Customer Services, Website and IT Development teams, and with external partners (in line with the Community Leadership aspect of the Corporate Plan). Particularly, communications will deepen its support for the website and mobile apps utilised by the council.

Internal communications will also be solidified to ensure that messaging to and from staff is the best it can be.



Accessibility will be at the heart of all communications – whether that be making sure individual messages are as accessible as possible, or across a whole campaign. Accessibility is something every staff member is responsible for.

Community engagement is important for Tendring District Council, and while two-way communication should not replace dedicated engagement, it will be a vital pillar to ensure that this engagement is effective.

In all aspects of this, innovation will be encouraged as a key method of improving communication. The Communications Team will be empowered to test new systems, allowing sufficient review of products, channels and tactics before a final business case is presented.



*Live streaming a hybrid council meeting*



*Radio interview at the Jobs Fair*

# Communications and the Corporate Plan

Tendring District Council's adopted Corporate Plan (2020-2024) has five areas of focus each containing a number of more specific objectives.

Already the Communications Team supports a vast number of these objectives, directly or indirectly, but in line with the Vision above Communications will now look to deepen that work to uphold and deliver against, the Corporate Plan.

This can be done in a number of ways, such as (but not limited to):

- Transformation Project support, promoting channel shift to digital interactions (**Delivering high quality services**)
- Supporting education and informing the public on enforcement activity (**Delivering high quality services**)
- Promoting the council's Climate Action initiatives, particularly around community leadership (**Delivering high quality services**)
- Working with partners on communications, including leading where appropriate; such as garden communities, the Health and Wellbeing Alliance, the Local Delivery Pilot working (**Building Sustainable Communities, and Community Leadership through Partnerships**)
- Continuing to support and possibly lead events for Tendring4Growth (**Growing and Inclusive Economy**)
- Publicising the decisions and spending of the council (**Strong Finance and Governance**).

Each year this strategy should be aligned with the Back to Business agenda or Priorities and Projects piece which is drawn out of the Corporate Plan.

# How will communications be improved?

There are five key areas identified for improvement in line with the Communications vision:

- Video content: Great strides have been made in creating more video content, which always performs well with audiences. The vision is to grow this content type; by increasing capacity, improved processes (such as video editing software) and empowering frontline staff to do more. Increased use of the council's drone for aerial footage will also improve content.
- Project work: Ensuring that communications is built in from the start with large projects, the team will increase its engagement with the internal Project Board and the Community Projects Board to ensure its work is aligned with those projects; enabling ongoing delivery of communications throughout the lifecycle of the initiative. Additional capacity would further ameliorate this.
- Social media: Since the introduction of a corporate Facebook page in August 2018 this has grown to more than 5,100 followers, while back-end processes have been introduced to ensure security. Now is the time to re-visit the type of content we are producing and sharing on this page (and others within the TDC family), and empower and enable frontline staff to be part of content creation.
- Email and SMS communications: While we directly reach more people than ever before through our own social media channels, there are still many residents who miss out on this; while other channels such as traditional media decline. Email is a unifying feature of those not completely digitally excluded, and direct email communication would enhance the way we reach people; while also presenting commercial opportunities. Similarly, the vast majority of people have a mobile phone, and existing use of SMS facilities in some service areas should be reviewed to see if they are suitable for wider roll-out.
- Internal communications: With a key audience being our staff, it is important that communication between employees and services is frequent, two-way, and part of the organisation's cultural norm. Making best use of our Intranet, internal communications groups, and techniques such as staff newsletters and vlogs, will be a key focus as part of this strategy.

# How is success measured?

Measuring success in communications can be difficult, especially when considering areas such as behaviour change and reputation management – however, that does not lessen the importance of setting specific, measurable objectives.

Each communications campaign should have its own specific objectives, aligned to the desired outcomes of the campaign.

This strategy's success must be aligned with its vision and outcomes, and will be measured as below. The 2024 target date on some objectives is set to align with the Corporate Plan.

- By 2024 increase the number of videos created each year by 50% from 2020 figure (*baseline: 50*).  
*This includes empowering staff to create their own video content and vlogs for internal communication.*
- Ensure every initiative which goes through the council's projects boards has a communications plan.  
*As a minimum key project milestones identified for communications and opportunities for communications to add value.*
- Grow the number of Facebook followers on Tendring District Council's corporate account to 8,000 by 2024 (*baseline: 5,300*).  
*Although this may seem modest, there will always be an initial rush when new accounts are established while particular spikes are linked to one-off events such as the new waste service, district-wide elections and Covid-19. No target has been set for Twitter followers as the platform is currently in decline (nationally).*
- Increase the number of staff actively posting to the council's corporate Facebook page by 300% by 2024 (*baseline: 5*).  
*Currently only a handful of staff post to our corporate page, while some others have access. As part of the vision we want to increase the number of frontline staff using social media to communicate to our audiences.*
- Present a business case for email communications software, and reinforce the council's Branding Guidelines with regards to email content, by 2024.
- Work with the IT Team as part of its review of SMS communications software, scheduled for completion by January 2022.
- Review and improve the TDC's Communications Group and the Intranet, refreshing both by the end of 2021.

# Supporting Protocols

This Communications Strategy outlines the overarching approach we plan to take to reach our stakeholders. It is linked to, and supported by, the following guidance and protocols:

- Branding Guidelines
- Media Protocol
- Website Strategy and Development Plan
- Intranet Policy and Guidance
- Social Media Strategy
- Social Media Policy
- Social Media Guidelines
- Drone Policy
- Digital Transformation programme
- Customer Services Strategy and supporting protocols

In addition, this strategy is intended to support the Corporate Plan.

## Contacts

If there are any queries regarding the Communications Strategy please don't hesitate to contact the Communications Manager [communications@tendingdc.gov.uk](mailto:communications@tendingdc.gov.uk) / 01255 686338.

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<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

23 APRIL 2021

### REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

#### **A.2 CLACTON AND HOLLAND-ON-SEA CLIFF STABILISATION PHASE 2**

(Report prepared by Andy White and James Ennos)

#### **PART 1 – KEY INFORMATION**

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

To seek Cabinet authority for a scheme of work to stabilise failed and failing cliffs at Holland on Sea.

To seek Cabinet’s recommendation to Council to use £1.5m currently held in reserves to support the overall funding of the proposed remedial works, which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

Separate decisions will be made in relation to the appointment of a contractor to carry out the work and seeking authority to appoint a specialist engineer to oversee the work.

##### **EXECUTIVE SUMMARY**

Since February 2020, three areas of cliff in Holland-on-Sea have collapsed or been identified as likely to collapse. If the stability of these areas is not addressed the collapse will continue to progress putting at risk the public highway and infrastructure within it. Public services and amenity would be compromised.

The Council’s emerging Tourism Strategy sets out a 10 point plan, which includes development of the local seafront offer, with the coast being fundamental to the local visitor economy. Tourism is estimated to be worth more than £402 million to the District, and is responsible for over 8,980 jobs, equivalent to 17.9% of the District’s employment.

The securing of these cliff areas is in line with corporate priorities and criteria set out in the emerging Annual Capital and Treasury Strategy, specifically safeguarding assets reducing risks and seeking to limit future exposure to costs and liability.

Monitoring of the movement is continuing to take place. Design of remedial measures has been completed and tenders invited. At the time of writing tenders have been received within the allocated budget. Evaluation is ongoing and separate decisions will be made, subject to the funding decision of Full Council to appoint a contractor and an engineer to oversee the work.

If no action is taken further collapse is likely which will expose the Council to significant reputational, financial and legal risk. The potential consequences of not addressing the matter are set out in the options appraisal and risk sections.

Tenders have been invited, received and assessed. The lowest tender is in the sum of £1,930,212.92. An allocation of funding in excess of this would be prudent to allow for contingencies and potentially increasing material costs, with a total budget of £2.131m therefore proposed.

That, subject to Cabinet's approval of the proposed remedial works, that it is recommended to Full Council to utilise £1.5m from the existing beach recharge reserve to support the overall funding required to meet the cost set out above

The Council is responsible for around 16km of coastline including cliffs at Clacton, Holland, Frinton, Walton and Dovercourt. Although only three areas are subject to current slippage, all of the slopes are at relatively steep angles. Any future need to carry out structural repairs of these areas would be financially very challenging.

## RECOMMENDATION(S)

**That the Cabinet:**

- a) subject to Full Council agreeing to the allocation of funding, approves the project to stabilise the damaged cliff areas at Holland-on-Sea;**
- b) subject to a) above, approves the inclusion of the cliff stabilisation scheme within the 2021/22 Capital Programme with a budget of £2.131m, to be funded by utilising £1.5m from the existing beach recharge reserve along with the £631k already set aside for this project;**
- c) that subject to a) and b) above, recommends to Full Council to approve the use of the £1.5m beach recharge reserve to fully fund the proposed cliff stabilisation scheme;**
- d) instructs officers to seek ways to generate external funding to offset cliff stabilisation costs; and**
- e) approves on-going representations being made to Government in light of recent experiences and the continuing, significant and financial challenges faced by the Council in this area.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Council's Corporate Plan includes priorities:

- Public spaces to be proud of in urban and rural areas
- Use assets to support priorities
- Maximise our coastal and seafront opportunities

### FINANCE, OTHER RESOURCES AND RISK



## **Finance and other resources**

The earliest date that the funding for the project could be approved by the Full Council in normal circumstances is 18 May 2021. This may lead to an increase in contract costs relating to the period between submission of tenders and the start of the project, with one of the biggest risks relating to the volatile price of steel which makes up a considerable element of the overall project cost. Accordingly, it is proposed that the full Council is requested to agree the funding of the work at the Annual Council meeting on 27 April 2021, given the urgency.

As part of the Financial Performance Report considered by Cabinet at its 19 March 2021 meeting, a budget of £631k was agreed as the initial step in putting in place the necessary funding required for the cliff stabilisation scheme. Early estimates of the total cost of the required works was £4m.

However, following the necessary procurement process, the lowest tender returned was £1,930,212.92, although including proposed revised working methods. The second-lowest tender received was £2,978,906.70. Other tenders received exceeded the estimated costs.

The revised proposal by the lowest tenderer may increase the risk of unexpected costs and the current volatile price of steel could also have an impact from now until the project is completed. With this in mind it is proposed to include a contingency of 10% which would result in a total estimated project cost of £2.123m.

This would leave a funding shortfall of £1.492m after taking into account the existing budget of £631k. To avoid the option of borrowing, which would have a significant on-going revenue impact on the Council's financial forecast, the option of using the existing beach recharge reserve has been explored. The total amount currently held in this reserve is £1.5m and was originally set aside to fund the recharge of beaches following the major coast protection project along Clacton and Holland, which was finished back in 2015. As part of the modelling that was undertaken to support the design of this major scheme, it was expected that the beaches would need to be recharged every 10 years, with the first 10 year anniversary being in 2025. The performance of the scheme in terms of beach retention has been encouraging to date and indicative that a longer beach recharge cycle may be achievable.

Therefore based on the above, it is proposed to utilise the full £1.5m of the reserve to fund the proposed cliff stabilisation scheme. This would therefore provide a total budget of £2.131m which would meet the tendered price plus the 10% contingency.

If the scheme is approved this will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

In terms of exploring potential funding partners, the Coastal Manager has made contact with a range of stakeholders including Essex County Council and the Environment Agency. These organisations have both previously contributed to the major beach recharging project and to the earlier phase of cliff stabilisation in Holland-on-Sea. No offers to contribute to the cost of current repairs have been received.

One of possible reasons being that they would argue that they have previously contributed to schemes in the same area on the basis that their investment would preserve assets. They

may be more reticent to fund works to preserve the same assets in the same area for a second time.

The Annual Capital and Treasury Strategy sets out criteria around capital decision-making.

Options for seeking additional funding at local or national level to facilitate cliff stabilisation measures are therefore limited. Given the current cliff failures and future risks to other areas of the district’s coastline, it would be timely to draw this very challenging issue to the attention of the Government. Given the potential scale / cost of potential further cliff failures, it is important that the Government continue to be made aware of the associated risks not only to the properties of residents and business but also to the Council’s financial position if it had to respond alone to future coastal erosion / cliff failure issues. One of the frustrating aspects of the Governments approach to supporting such works is the cost / benefit formula they apply. Representations to the Government could therefore draw this to their attention in light of the actual rather than potential challenges the Council is facing.

In terms of the use of the beach recharge reserve, this will reduce the available funding to respond to future issues / beach recharge works. Any further areas of cliff requiring significant work or if the beaches need recharging before funds have been replaced would put the Council in a position where borrowing is likely to be required. As highlighted above, significant borrowing would put substantial strain on the Council’s revenue position.

Therefore the use of the beach recharge reserve set aside for beach recharging carries some degree of risk. Sand levels on the beaches vary seasonally. Since the beaches were created there has not been a need to carry out any recharging work. This is encouraging but it cannot be guaranteed that no recharging will be needed in the future. If the reserve is used now and recharging is required later a further funding decision will be necessary at the time. However, on balance, the use of the reserve is appropriate to deal with an urgent issue that the Council is faced with now rather than remaining set aside to meet a potential future cost. In effect the Council would be in no worse position and it would be able to consider and plan for potential future risks within its longer term financial plans over a period that could be 10 years or more.

In addition to the above, it is planned to create a number of additional beach hut sites which will generate additional on-going revenue. This will be considered as part of the financial forecast going forward and how it can support associated costs and risks.

Formal Investment Considerations/Decisions/Business Cases	
Link to priorities (including commitment to be carbon neutral by 2030) and/or ‘safeguarding’ of a Council Asset and what are the measurable benefits of the planned investment	The proposed work will contribute to Council priorities: <ul style="list-style-type: none"> <li>• Public spaces to be proud of in urban and rural areas</li> <li>• Use assets to support priorities</li> <li>• Maximise our coastal and seafront opportunities</li> </ul>
Return on Investment/Net Present Value	The proposed works are intended to stabilise a vulnerable area of coastline. Completion of the works will reduce the likelihood of further failure.
Whole Life Costing/Revenue	
Consequences	
Payback Periods	
Key risks and how they will be managed	

Alternative Options/Opportunity Costs	Not completing the works would leads to ongoing collapse, loss of greensward, footway and eventually the carriageway.
Sustainability	
Financial Resources Available/Funding Options	
Impact assessment where relevant	
Capacity/Deliverability	Further financial considerations are set out elsewhere in this report.
Capacity/Deliverability	A further report on this agenda seeks authority to appoint a specialist engineer to verse the work.
Other considerations/important information to discuss/share with relevant internal department(s) and/or for inclusion in the formal decision making process if significant	
Cash Flow Forecasts	Expenditure is likely to take place over several months. VAT will be recoverable through standard accounting practice.
VAT Arrangements/Implications	
Insurance issues	The work is intended to reduce the Council's exposure to potential losses and claims.
Risk Management implications	
Procurement processes	The work has been fully competitively tendered. The lowest tender includes a saving made possible by a slightly different working method proposed.

## Risk

If the Council elects not to carry out this project, the collapse of the cliff will continue over time until the soil reaches its natural angle of repose. Without the proposed drainage this will be a shallower angle than would be the case if the work is completed. The current failure is manifested in the form of a sheer exposed face adjacent to the upper promenade. Failure to carry out remedial work will lead to further slippage and will cause the loss of upper and lower promenades and effect the highway and infrastructure in it. This would lead to significant reputational damage and potential claims from other bodies and adjoining owners.

If this failure is not addressed a further series of failures would cause damage to the surrounding infrastructure including Essex County Council road and possibly Anglian Water sewer (estimated value in excess of £50M). Diminution of nearby property values would probably be caused.

## LEGAL

Caselaw under section 120 of the Local Government Act 1972 provides that the Council should manage its assets for the benefit of the area.

If this failure is not addressed a further series of failures would cause damage to the surrounding infrastructure including Essex County Council road and possibly Anglian Water sewer (estimated value in excess of £50M). Diminution of nearby property values could probably be caused.

Tendring District Council is the landowner and Coastal Defence Authority. If it elects not to address the failure of its own infrastructure it is likely to be found liable for any damage or loss caused.

Financial Procedure Rules set out in Part 5 of the Council’s Constitution, Section 6.15 (Part 5.37) states:

- (c) **Council** may approve a supplementary estimate up to any amount for General Fund or Housing Revenue Account. However Council must be advised if any decision is likely to result in the Council’s agreed minimum working balance not being maintained for the current financial year and the length of the Council’s approved financial strategy. In the case of the Housing Revenue Account, Council must be advised if any decision is likely to result in the Revenue Account balance being in deficit over the same period.

For this reason there is a requirement for the Cabinet to seek Full Council’s approval to use the Beach Recharge reserve to fund the Cliffs Stabilisation scheme.

**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.**

<b>Crime and Disorder</b>	– No direct implications
<b>Equality and Diversity</b>	– No direct implications
<b>Health Inequalities</b>	– No direct implications
<b>Area or Ward affected</b>	– St Bartholomew’s and St Pauls Wards
<b>Consultation/Public Engagement</b>	– Liaison with affected beach hut owners
<b>Net Zero Emissions</b>	– The construction work will use heavy plant and construction materials but will not generate emissions in use. Intervention at this stage will decrease the likelihood for the need for additional works in the future.

**BACKGROUND**

Since February 2020, there have been two slips/failures: one in the vicinity of the Cliff Road - Kings Parade junction and another at the York Road - Kings Parade junction. They are approximately 120m apart (centre of slip area to centre of slip area). A further 40m area of unstable Cliff has also been identified at the Russel Road - Kings Parade junction.

Ground investigations have been carried out which includes deep boreholes installed at both locations and water monitoring standpipes to allow information relating to the water levels within the ground, this information will allow us to carry out the design of remedial works. Inclinometer tubes have also been installed outside the current failure zone, these have shown that further movement is occurring. The monitoring of the movement is continuing to take place.

In the interest of safety a total of 13 beach huts have been moved.

The project team had originally identified potential costs of £4m, for the implementation of proposed remedial work which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

## CURRENT POSITION

The vegetation has been cleared from the cliff under the instruction and supervision of an Ecologist. The clearance of vegetation has identified evidence of historic slips within the cliff face.

This area of the cliff between Cliff Road and York Road is considered to have significantly low factors of safety against failure. Further movement is likely. Past movement can be identified and confirmed by the evidence of past interventions now visible post clearance of vegetation. Due to this historic movement, there is a small margin for change before movement can re-occur. Therefore the risk is high.

The primary factor that may cause further movement is considered to be any increase in groundwater level, which is the primary cause of the failure originally occurring. Therefore, given that it can reasonably be anticipated that there will be wet weather over the autumn/winter months there is a very real risk that the progressive failure referred to above will take place at that time.

Should there be further movement before an area is stabilised the cost of the works will increase as a result.

The detailed design to stabilise these areas of the cliff opposite is now complete, Tenders have been returned, the lowest significantly lower than anticipated owing to a revised working method proposed. The analysis of tenders is ongoing. The proposed revised method includes increased risk of un expected problems and an increased contingency would be appropriate

The designs for all the areas consist of a combination of sheet piled walls, ground anchors, and new drainage systems. The new sheet piled walls and ground anchors allow the cliff gradient to be reduced to the angle of repose, the natural angle at which the soil will be stable on its own. This also creates additional space (platform) which can be utilised for beach huts. The new drainage will reduce the likelihood of ground water building up and causing further premature failure.

The construction of the proposed remedial works is relatively consistent along the full length of the affected area. Therefore it is possible to phase their installation to concentrate on the higher risk areas first, given the consequences identified above.

The implementation of remedial work which will stabilise approximately 200m of the cliff for the next 50 to 100 years and create new locations for approximately 30 new beach huts.

### Options:

Do nothing.	Not feasible. Left unresolved the cliff will continue to slip downwards over a period of years until it reaches its natural angle of repose: Around 18 degrees, roughly 1 in 3. Material will be deposited on the lower promenade and beach. The beach huts, upper promenade and greensward will be lost. The carriageway and utilities below will be jeopardised. There is substantial potential for third party claims and reputational and environmental damage.
Managed retreat	Not feasible. As above but clearing debris from the lower promenade and rebuilding the footway would

	limit damage in the short term but end up as above following the expenditure of sums on intermediate work.
Regrade the slope to a natural angle	Not recommended. Significant cost would be incurred in excavating and removing soil to tip. The greensward would be lost and footway largely impossible to retain. A fully stable angle could not be achieved without affecting the road.
Proposed scheme	Recommended. Significant cost but retains greensward, footway, provides potential for additional beach huts and avoids potential third party claims.
Proactive investment along cliff slopes	Not recommended. Advantages as above but the capital cost would be prohibitive.

<b>BACKGROUND PAPERS FOR THE DECISION</b>
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None
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<b>Key Decision Required:</b>	Yes	<b>In the Forward Plan:</b>	Yes
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## CABINET

**23rd APRIL 2021**

### REPORT OF PORTFOLIO HOLDER FOR HOUSING

#### **A.3 SME/SMALL HOUSE BUILDING PROJECT UPDATE**

(Report prepared by Peter Russell)

#### **PART 1 – KEY INFORMATION**

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

To update Cabinet on the Small to Medium-sized Enterprise (SME) /Small House building Project and to seek approval for the acceptance of a proposal submitted.

##### **EXECUTIVE SUMMARY**

The Council’s Housing Strategy 2020-2025 “*Delivering Homes to Meet the Needs of Local People*” was adopted by Full Council on 15<sup>th</sup> September 2020. One of the key priorities in the strategy is to deliver up to two hundred additional Council homes in the district as set out in the Acquisitions & Development Policy adopted in October 2020.

The SME/Small Housebuilding Project presented an exciting albeit, brief, time-limited opportunity to engage with developers to deliver additional council housing in the district. The learning gained from this project has placed the Council on a much stronger footing to take forward engagement with the SME sector to achieve its housebuilding ambitions.

##### **RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- **notes the contents of this report;**
- **delegates authority to the Corporate Director (Operations & Delivery) to continue a process of engagement with the SME sector to deliver Council housing in the District, making use of the learning from this project; and**
- **authorises the Corporate Director (Operations & Delivery), in consultation with the Assistant Director for Governance, to enter into a contract to purchase the three bungalows (as set out in the related private and confidential report) for housing purposes, subject to planning permission being granted for the dwellings.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

The decisions will contribute to the following priorities in the Corporate Plan 2020-2024:

##### **Community Leadership Through Partnerships**

The project and the lessons learnt from it will contribute to the overall aims of the Housing Strategy by enabling the delivery of additional Council housing in the district and will help

to deliver jobs and infrastructure as well as tackling homelessness and improving the lives of households in need of high quality, sustainable, affordable housing. Working in partnership with the SME sector to deliver new housing conforms with the Council's Back to Business programme.

### **Building Sustainable Communities for the Future**

The project and the lessons learnt from it will play a key role in enabling and delivering additional Council housing. Good quality housing contributes to positive health and wellbeing that are the key foundations of a sustainable community.

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

Following the relaxation of borrowing headroom arrangements for the Housing Revenue Account (HRA) (these were the capping rules put in place following the changes to the HRA subsidy system) Councils are now in a position to, in theory, borrow above their previously capped limit.

At present the Council's HRA borrowing headroom is around £20m if the government's business plan methodology is applied and whilst this methodology is fairly conservative in terms of its risk profile, straying too far from that risk profile would not be prudent given the recent record of government intervention in the Council's ability to raise income from rents to repay any loans.

As Members will appreciate, the Council would not borrow capital to acquire existing property or to build out any specific scheme until such time as it was required and as such detailed financial breakdowns would be brought forward as and when decisions are sought on specific building projects as interest rates, income profiles, etc. will change over time as will potentially the source and terms of such loans.

This means that individual reports will come to Members for decision on any proposal to build or acquire homes in any location in advance of any new development or acquisitions coming forward.

Only one scheme has come forward for consideration through the SME/Small Housebuilding Project. The scheme would require the Council to purchase three x two bedroom bungalows at a cost of £255,000 each (£765,000 in total). Although borrowing may not be required to fund these purchases, there is a likelihood that borrowing will be required on future schemes and will require the agreement of Full Council on a scheme by scheme basis.

### **Risk**

One of the complicating factors in considering overall viability of any acquisitions is the Right to Buy. Whilst the application of the "cost floor" (over the first 15 years after the build the Council can recover the capital cost of building the property) does protect the Council to some extent, if there are no changes to the current discount levels or other scheme parameters the Council will lose capital on every new unit if it is purchased. Right to buy levels and discounts are variables over which we have little control and so the best we can do is to make estimates of sales based on historic rates and projects of house prices utilising analysts such as Savills.

The Government has recently announced additional flexibilities over the spending of Right-to-Buy receipts, including an extension from three to five years on the timeframe for spending receipts and increasing from 30% to 40% the amount that can be used to fund the cost of a new home. Crucially, however, a limit will be placed on the use of receipts to fund acquisitions and therefore placing an emphasis on new build supply.

## **LEGAL**



The Council has the necessary powers which enable it to build new Council housing and the powers to sell a limited number, currently up to five per year. Part A of the General Housing Consents 2013 provides consent for the disposal of land held for housing purposes within the HA 1985. Under A3.3.1 a local authority may dispose of an unoccupied dwelling house to a person who intends to use it as their only or principal home subject to paragraphs 3.3.2 to 3.3.4

Where a person (a) is not a secure tenant ... the local authority may dispose of the unoccupied dwelling house at a price which is not less than an amount equal to the purchase price defined in section 126 (right to buy purchase price) to which the minimum discount, as provided for by section 129, has been applied.

The commentary to the General Consent provides some further explanation for each part and states at clause 3:

*“paragraph 3.3 permits local authorities to dispose of dwellings at discounts equivalent to the Right to Buy discount to existing council tenants and others who, the local authority has decided, need help accessing home ownership in the area (for example, key workers or ex-military personnel, although that is for the local authority to decide).”*

If the Council has to acquire land to build new homes Section 17 of the HA 1985 (the 1985 Act) provides the principal power for acquisition of land for housing purposes (as defined in Section 9 of the 1985 Act) including land as a site for the erection of houses.

Section 9 of the Housing Act 1985 states a housing authority may provide accommodation for housing purposes by with erecting or converting buildings into houses, on land acquired by them or by acquiring houses..

Section 12 Local Government Act 2003 empowers the Council to invest if the purpose is relevant to its functions and consistent with the prudent management of its financial affairs.

Future engagement with the SME/small house building sector will follow the appropriate governance arrangements and the outcomes will require individual formal decisions to proceed.

## **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/Consultation/Public Engagement/Climate Impact

### **Equality and Diversity**

The submission received through the SME/Small Housebuilding Project proposes to deliver three x two bedroom dwellings which will be accessible for households with disabilities.

### **Health Inequalities**

The delivery of new, affordable, sustainable homes will help to address health inequalities in the district.

### **Climate Impact**

The Council's build specification encourages developers to deliver carbon-neutral and sustainable homes and requires the developer to provide energy efficient lighting, double glazed windows, electric vehicle charging point and air sourced heating.

**Ward**

All

## **PART 3 – SUPPORTING INFORMATION**

### **Background**

The Council adopted its Housing Strategy 2020-2025 in September 2020 and one of the key priorities is to deliver additional Council housing in the district for local households. An Acquisitions & Development Policy was adopted in October 2020 to facilitate this delivery. In November 2020, the Council was one of over fifty local authorities who expressed an interest in working with Local Partnerships (a joint venture between the Local Government Association, HM Treasury and the Welsh Government) to deliver a project aimed at increasing engagement with the SME sector to deliver additional Council housing locally. In late December 2020, the Council was advised that its bid for consultancy had been successful along with two other local authorities, Cornwall and Thurrock Councils.

The project commenced in January 2021. The aim of the project was to generate scheme proposals from our local SME's on land that they owned or could purchase to deliver Council housing. The SME's were required to commit to securing planning consent and developing new affordable homes which the Council would then purchase at fixed prices, with the Council making staged milestone payments to the builders.

As part of the consultancy package from Local Partnerships, the Council was provided with four templates to assist in engaging with the SME sector, namely:

**Invitation to Submit Proposal (ISP)** – an easy to understand document for the SME's to complete if they wanted to come forward with proposals and which set out the Council's evaluation criteria and guide/benchmark prices per unit.

**Golden Brick Development Agreement (GBDA)** – a sample contract with land and housing with title passing to the Council on the final stage payment. The agreement provides for staged payments to be made once certain aspects of the build had been completed and therefore ensures a regular cash flow to the builder.

**Ready Reckoner** – a financial viability model that uses local financial factors (e.g grant rates, local housing allowance, borrowing rates, social housing rents etc.) to produce a guide price envelope for each affordable house type and;

**Base Specification** – a sample building specification for the Council to adapt to its own requirements.

In return, the Council was required to identify the types of affordable housing required and a budget below approved EU procurement thresholds. The Council was also required to populate the Ready Reckoner with local information to establish pricing levels and develop and agree a promotional campaign to attract interest from local SME builders. The early weeks of the project were spent on adapting and amending the templates to meet our local requirements. It was agreed that the Council would look to purchase homes on sites delivering 3-9 homes in total as this would reduce the level of obligations

the developer would be required to pay through a Section 106 agreement.

The project went live on 1<sup>st</sup> February 2021 and as the project was time-limited in terms of the consultancy provided by Local Partnerships, the SME's were advised to return their ISP's by 5<sup>th</sup> March 2021. As part of the publicity campaign, 44 local SME's were contacted directly about the project, the project was promoted on Twitter and a press release was produced for the local press. The Portfolio Holder for Housing also took part in a local radio interview. Once the project went live, ten ISP's were sent to local SME's who expressed an interest in the scheme.

At the close of business on 5<sup>th</sup> March 2021, only one ISP had been received and the details of the submission are contained in the related Part B report proposing a development of three x two bedroom dwellings.

Although only one ISP was received, officers have been contacted by 5 local SME's who could not submit ISP's within the strict deadline for submissions but have advised that they would be interested in working with the Council on future sites. Officers are confident that there is an appetite from local SME's to work with the Council in the future and that the lessons learnt from the project and the template documents can be used to continuously engage with the SME sector to bring forward small sites for the development of Council housing but without the requirement for bids to be submitted within strict time-frames.

<b>FURTHER HEADINGS RELEVANT TO THE REPORT</b>
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None
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<b>BACKGROUND PAPERS FOR THE DECISION</b>
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None
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<b>APPENDICES</b>
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None
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<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

**23 APRIL 2021**

### **JOINT REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE**

#### **A.4 ADOPTION OF THE CCTV CODE OF PRACTICE**

(Report prepared by Head of Customer and Commercial Services)

#### **PART 1 – KEY INFORMATION**

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

The purpose of this report is to introduce the Tendring District Council CCTV Code of Practice and the Surveillance Camera Commissioner’s 12 Guiding Principles to Cabinet, that they may officially adopt these documents on behalf of the Council.

##### **EXECUTIVE SUMMARY**

At the end of December 2018 the Internal Audit team reviewed the working practices with regards CCTV systems within the Council. A ‘moderate risk’ was found and an improvement notice was issued. Since this time a CCTV Code of Practice has been drafted (attached as appendix 1) and a new set of Operational Procedures (appendix 2) written. Both the Code and the Operational Procedures have been endorsed as fit for purpose by the Internal Audit Manager. The Corporate Enforcement Group, the Assistant Director (Governance), the Information Governance and IT Services Manager, and the Safer Communities Manager have also been consulted and their comments incorporated within the Code.

The Code of Practice takes into consideration the Surveillance Camera Commissioner’s 12 Guiding principles (attached as appendix 2 to the Code of Practice) and gives CCTV operators a framework to work within. The new set of Operational Procedures will cover every CCTV camera that the Council owns, including the cameras within our own premises, and as such will offer support and guidance to any Officers across the Council that have to use CCTV as part of their role (i.e. Facilities Management, Leisure Centres).

As per direction from the Surveillance Camera Commissioner, the Council should adopt a CCTV Code of Practice, which is published on the corporate website, and communicated to all staff that need to comply with it. At this point the new Operational Procedures should be rolled out across the Council, along with a training programme, so that all departments are following the same rules.

Once the Code is adopted we can apply for a third-party accreditation that would show any specific areas where we should improve our systems and procedures or perhaps engage an external professional expert from NASCAM (National association of Surveillance Camera Mangers). In advance of this there are known areas that will need attention:

- In consultation with our partners in Essex Police, and also through public engagement, we should review the CCTV System yearly to ensure it is meeting its stated aims. This review would also include the current location of our fixed CCTV cameras and any specific areas of crime where a new camera location (either a fixed

or rapid deployment) should be considered. This is overdue but will commence once the Code is adopted.

- Many of our cameras are old and do not have the privacy software that can be used to pixelate any areas where the cameras are looking directly at a residents' premises. Although the cameras are generally sited to cover public open spaces there are a number of instances where private addresses are overlooked. Currently we mitigate this issue with the privacy and confidentiality training that our staff undertake however these old cameras will need to be replaced to actually address this issue fully.
- CCTV training is overdue for Operators in the Control Centre, but also has never taken place for other responsible officers around the Council. An in-house training programme will need to be developed and rolled-out across the Council.
- A number of cameras have been identified as no longer meeting the aims and objectives of the CCTV system and have been taken out of commission. A future decision will be required as to whether these cameras are removed completely or replaced. It is proposed that this decision is made as part of the annual review.

In the future, there may be the need for further cameras to be added if knowledge of new crime or anti-social behaviour hot spots becomes apparent. At the outset the Council's Senior Responsible Officer (SRO) for CCTV will be notified of this knowledge which may be derived from information received from our colleagues in Essex Police, or directly from services within the Council, such as Parking, Housing or Environmental Services. The SRO will instigate a discussion between the Assistant Director (Partnerships), in consultation with the Portfolio Holder for Housing, and any other relevant Portfolio Holder and Assistant Director or Head of Service, dependent on the nature or location of the circumstances in accordance with the CCTV Code of Practice.

Any future decision to deploy cameras will be taken with due regard to the 12 guiding principles to ensure a reasonable and proportionate response and recorded accordingly.

#### **RECOMMENDATION(S)**

**That Cabinet:**

- adopts the CCTV Code of Practice for Tendring District Council and the 12 Guiding Principles, as set out in Appendix A;**
- delegates authority to the Assistant Director (Partnerships) to deploy future cameras and decide their location in accordance with the Code of Practice and the 12 Guiding Principles; and**
- subject to (b) above, such decision will only be made in consultation with the Portfolio Holder for Housing and the Council's Senior Responsible Officer for CCTV, following a compliant proposal being submitted by the relevant Assistant Director or Head of Service, who in their turn will have consulted with the relevant Portfolio Holder, dependent on the nature of the circumstances.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

Delivering High Quality Services

- Public spaces to be proud of in urban and rural areas

- Effective regulation and enforcement

#### Community Leadership Through Partnerships

- Law and Order - for a safer community

#### A Growing and Inclusive Economy

- Support existing businesses

#### Building Sustainable Communities for the Future

- Vibrant Town Centres

### **FINANCE, OTHER RESOURCES AND RISK**

#### **Finance and other resources**

There is no specific financial or other resources risk around adopting the CCTV Code of Practice however it should be understood that once it is adopted a review of the service will be undertaken. This review, along with any future decision to purchase new equipment or deploy further cameras, may have financial implications which should be discussed as part of the decision making process.

#### **Risk**

Messaging from the Surveillance Camera Commissioner now states that local authorities should adopt a CCTV Code of Practice and publish this, along with their procedures. There is a reputational risk for TDC if we do not adopt the Code of Practice.

There is also the risk that if the Code is not adopted, any evidence we produce for Essex Police in a prosecution could be called into question if presented at court.

### **LEGAL**

There is a legal requirement for TDC to produce and adopt a CCTV Code of Practice.

The Council has a legal duty under Section 33(1) of the Protection of Freedoms Act 2012 (2012 Act) to have regard to the Code of Practice issued by the Secretary of State under Section 30 of the 2012 Act. The statutory Code of Practice provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities (as defined by section 33 of the 2012 Act) in England and Wales who must have regard to the code when exercising any functions to which the code relates.

The purpose of the code will be to ensure that individuals and wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them. The government considers that wherever overt surveillance in public places is in pursuit of a legitimate aim and meets a pressing need, any such surveillance should be characterised as surveillance by consent, and such consent on the part of the community must be informed consent and not assumed by a system operator. Surveillance by consent should be regarded as analogous to policing by consent.

In order to achieve this, the code sets out guiding principles that should apply to all surveillance camera systems in public places. These guiding principles are designed to provide a framework for operators and users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose.

This code provides guidance on the use of surveillance camera systems but does not replace or remove any statutory obligations on operators or users of such systems to comply with the provisions of both the Data Protection 2018 Act and the Regulation of Investigatory Powers Act 2000.

The Surveillance Camera Commissioner for England & Wales oversees local authorities compliance with the 2012 Act and in September 2020 issued a letter to all Councils with a number of recommendations to follow prior to further inspections being undertaken. A clear recommendation was to ensure that authorities consider whether there are sufficiently robust governance and oversight arrangements across the authority. The adoption of the Code of Practice for Tending and Operating Procedures goes towards meeting this recommendation.

#### **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 adoption of the CCTV Code of Practice will have a positive impact on the Council's ability to aid in the prevention, detection and prosecution of crime and disorder. The 12 guiding principles set out an operating procedure that will allow Essex Police the confidence to declare that any evidence has been produced following these guidelines.

It will also have a positive impact in terms of public perception.

#### **CLIMATE CHANGE**

There is no specific impact, either positive or negative, on the Council's net zero emissions target as a result of these decisions.

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The Control Centre manages the overt monitoring (passive), recording and downloading of CCTV images for circa 166 cameras around the district (although some of the cameras are currently inactive due to GDPR issues), these include our high footfall areas, areas of particularly high crime, and our own sheltered housing stock. The Control Centre has a full wall of screens showing images from various sites and also houses a server whereby images are recorded and retained for 30 days for evidential purposes. There are also other stand-alone CCTV systems that are not able to be controlled or viewed from the Control Centre. These are recording at the location of the system (e.g. Northbourne depot, Jaywick Enterprise Centre); A full list of active cameras is contained with the Code of Practice (appendix 3 of the Code). The Control Centre was purpose built by TDC at Barnes House, Pier Avenue in 2010 and since that time the number of cameras has grown.

In June 2013 the Camera Surveillance Commissioner published a Code of Practice which contains 12 Guiding Principles. Although initially the adoption of the Code was purely voluntary more recent communications from the Commissioner have stated that local Councils 'should' adopt the Code. These communications were followed up in January 2020 with a survey of all local Councils in order to ascertain which had adopted and published the Code of Practice.



The TDC Code of Practice will cover every CCTV camera that TDC own. These include those cameras in fixed positions, any rapid deployment cameras that we may utilise and drones. A separate set of procedures is being drafted specifically for Body Worn Cameras and will be added to the Code before any use of these cameras commences.

#### **CURRENT POSITION**

The current position is that even though the Code of Practice has yet to be adopted, TDC does pay close regard to it and its 12 Guiding principles and has put in place mitigations where it is not able to strictly adhere. It is the desire of the CCTV management team to review the service and make further recommendations with regards delivery. Cameras are being maintained and repaired as part of a contract with an external CCTV contractor, and as budgets allow, and CCTV Operators are in regular contact with colleagues within Essex Police.

It is the desire of the Corporate Enforcement Group that the Council should begin to use rapid deployment cameras and body worn cameras in an overt way to act as a deterrent against anti-social behaviour and as a tool for prosecution where the deterrent has been unsuccessful. There is currently a working group looking to produce a specific set of procedures for Body Worn Cameras and once these are in place it is very likely that the Council will utilise these different surveillance methods and cameras in order to protect our staff, our assets, and our District.

Essex Police do utilise the CCTV footage that we record and there is a desire between both parties to work more closely together. In future we shall develop a Service Level Agreement framework between the two parties as part of the National Surveillance Camera Strategy.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

N/A

#### **BACKGROUND PAPERS FOR THE DECISION**

N/A

#### **APPENDICES**

Appendix 1. TDC CCTV Code of Practice and Surveillance Camera Commissioner's 12 Guiding Principles

Appendix 2. CCTV Operating Procedures

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# CODE OF PRACTICE

## FOR THE OPERATION OF PUBLIC SPACE CLOSED CIRCUIT TELEVISION

*Tendring*  
District Council



ADOPTED XXXXXXX 2021



# VERSION CONTROL

Version	Date	Created by	Status	Remarks	Circulation
V1.0	Feb 2019	Service Development Manager	Draft		Head of Service
V2.0	Feb 2020	Service Development Manager and Head of Service	Draft	After review	Management Team
V3.0	Oct 2020	Head of Service	Draft	After remarks from Head of Governance and Legal Services	Management Team
V3.1	Dec 2020	Head of Service	Draft	After remarks from Information Governance & IT Service Manager	Corporate Enforcement Group
V3.2	Jan 2021	Head of Service	Draft	After consultation with Corporate Enforcement Group	Management Team

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# FORWARD

As we go about our daily lives, moving around our towns and cities, visiting shops and offices, travelling on public transport or simply driving on our roads, we all know that CCTV cameras are there.

Tendring District Council (TDC) believes that the use of CCTV continues to enjoy public support as it promotes a reduction in the fear of crime and provides reassurance, allowing our residents and visitors to feel safe as they go about their business within the district. But with this reassurance comes an intrusion into our lives.

In order to keep that intrusion to a minimum and to maintain public trust and confidence in its use and ensure safeguards are in place TDC has adopted this Code of Practice. It also means everyone knows TDC's role in CCTV.

*Ellr Paul Honeywood* – Portfolio Holder for Housing



# DEFINITIONS

In this Code of Practice the following definitions are used:

BWC.....	Body Worn Cameras. Cameras worn by certain staff to capture images on as and when required. Also known as Body Camera or Body Cam.
CCTV.....	Closed Circuit Television.
Covert Surveillance.....	Means any use of surveillance cameras for which RIPA is required. For example, to obtain images as part of a specific investigation in exceptional and justifiable circumstances.
DPA.....	The Data Protection Act 2018.
DPIA.....	Data Protection Impact Assessment
DVR.....	Digital Video Recorder
FOI.....	The Freedom of Information Act 2000.
GDPR.....	General Data Protection Regulation (EU legislation)
HRA.....	The Human Rights Act 1998.
ICO.....	Information Commissioner's Office
LED.....	Law Enforcement Directive (EU legislation)

# DEFINITIONS

Overt Surveillance	Means any use of surveillance cameras for which authority does not fall under RIPA.
POFA	The Protection of Freedoms Act 2012.
PTZ	Cameras that have the ability to be move their direction of view and can pan, tilt, and zoom.
Public Place	Is taken to mean any highway and any place that the public has access to, as a right or with permission.
RDC	Rapid Deployment Cameras
RIPA	The Regulation of Investigatory Powers Act 2000.
SIA	Security Industry Authority
SPoC	Single Point of Contact for day-to-day operations.
SRO	Senior Responsible Officer. Has overall responsibility for the CCTV system and service.
Stand-alone System	Means a CCTV system that is not connected to the wider Council network or controlled through the main CCTV Control Room.
Surveillance Camera System	Is taken to include (a) CCTV systems; (b) any other system for recording or viewing images; (c) any system for storing, receiving, transmitting, processing or checking images or information obtained by systems.
SUSA	Small Unmanned Surveillance Aircraft
System Operator	The person(s) who take the decision to deploy a surveillance camera system; are responsible for defining its purpose; are responsible for the control of its use or processing images or other information obtained via the system.
System User	This is a Tendring District Council employee that has access to the live or recorded images or other information obtained from the systems.



# 1. INTRODUCTION

## 1.1 GENERAL BACKGROUND

Changes in legal and technological developments mean that CCTV is no longer only a camera on a pole recording town centre images. Today you can see CCTV systems driven by computers using artificial intelligence to automatically surveil for car registration plates or capture facial image. Sophisticated digital systems are increasingly also becoming more portable. For instance, where appropriate, some services within Tendring District Council may use body worn cameras. Modern systems are no longer passive technology that only records and retains images used to keep people safe, but are now used proactively to identify people and keep detailed records of activities. The Council recognises that this use of cameras for surveillance can cause the public concern and takes steps to ensure that the use for surveillance is appropriate and legal.

## 1.2 PURPOSE OF THIS CODE OF PRACTICE

This Code of Practice uses the term “CCTV” to refer to all forms of surveillance camera systems as this is the term most widely known by the public.

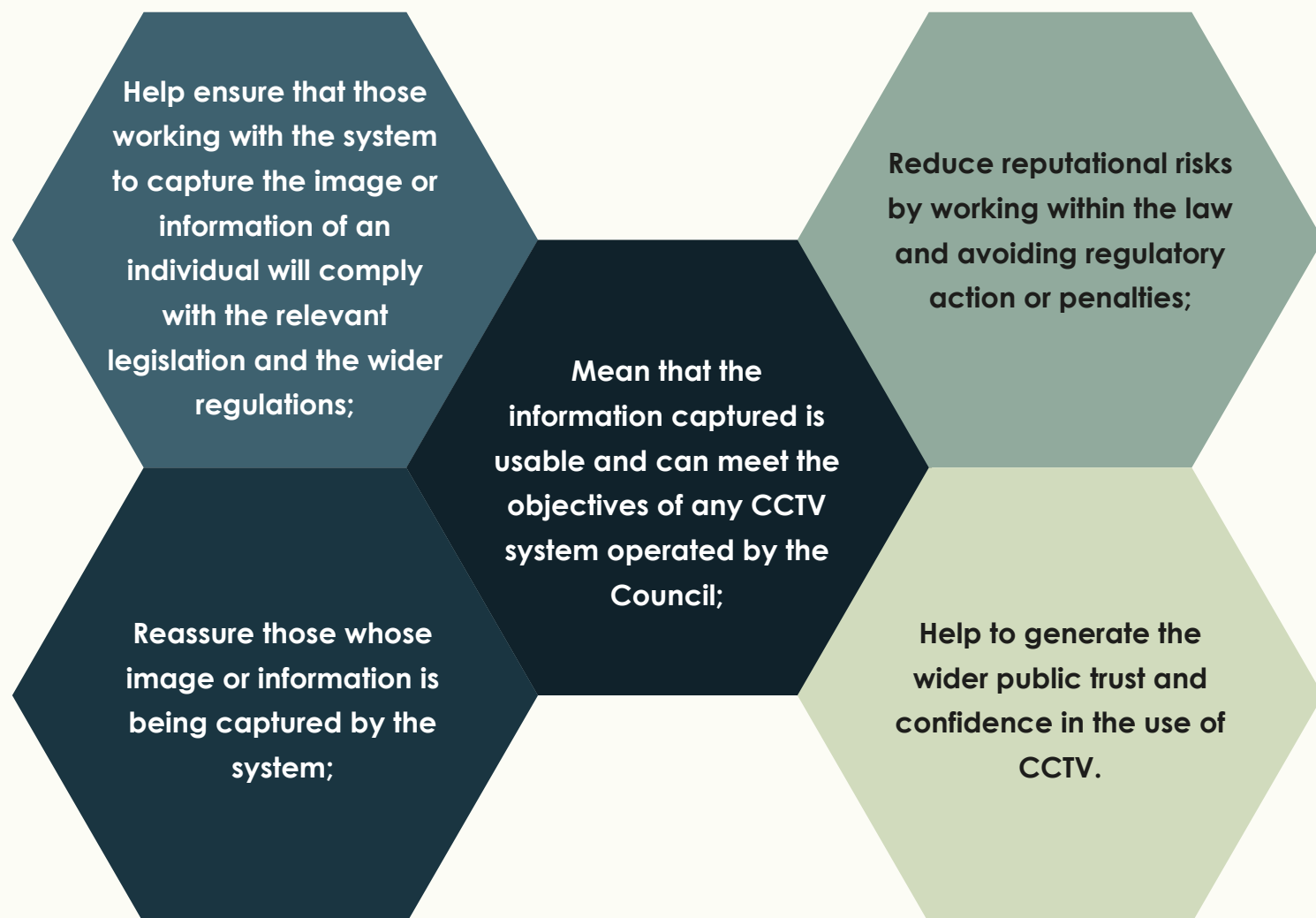
The Council is committed to upholding the principles of the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR), the Law Enforcement Directive (LED) and all relevant legislation and regulations to ensure that the use of its CCTV systems does not unjustifiably infringe the rights of individuals. With this in mind, the Council has issued this overarching Camera Code of Practice.

The objective of this Code of Practice is to help ensure good practice standards are adopted by Tendring District Council for its CCTV Systems. It provides good practice advice for the Council's operation of CCTV and other devices which record or provide viewing of images of individuals, and is designed to give a general overview of relevant policies and statements.

The images or information of individuals captured by CCTV is covered by the DPA and GDPR, and the guidance contained in this Code of Practice will help those involved with CCTV and its operation, to comply with their legal obligations under these laws. It will also help compliance with the wider legislative and regulatory environment, including the organisational obligations under the Freedom of Information Act 2000 (FOI), the Human Rights Act 1998 (HRA), the Protection of Freedoms Act 2012 (POFA), and the use of CCTV system for surveillance.

To that end, this Code of Practice has been based on the legally enforceable data protection principles outlined in Appendix 1, and has been set out to follow the lifecycle and practical operation of the CCTV system.

By following this Code of Practice, Tendring District Council will:



### **1.3 SCOPE OF THIS CODE OF PRACTICE**

This Code of Practice covers the use of Town Centre and District CCTV by Tendring District Council together with any other council owned systems that capture images of individuals, or information that could lead to the identification of an individual on the following camera related surveillance equipment including (but not an exhaustive list):

- Town Centre and District System;
- Body Worn Cameras (BWC);
- Stand-alone systems in Council offices or at council assets such as Civic Buildings or Car Parks;
- Rapid Deployment Cameras (RDC)
- Drones

This Code of Practice also covers the use of images or information captured by the Tendring District CCTV systems when they are provided to the media.

## 1.4 KEY PERSONNAL

The Head of Customer and Commercial Services is designated the Senior Responsible Officer (SRO) on behalf of the system owners. His/her role will include a responsibility to:

**Ensure the provision and maintenance of all equipment forming part of the Tendring District Council System in accordance with contractual arrangements which the owners may from time to time enter into.**

**Maintain close liaison with the Control Centre Service Development Manager - Single Point of Contact (SPOC).**

**Ensure the interests of the system owners and other organisations are upheld in accordance with the terms of this Code of Practice.**

**Agree to any proposed alterations and additions to the system, this Code of Practice and / or the CCTV Procedures Manual.**

**Ensure the SRO and SPOC maintain current and valid Security Industry Authority (SIA) CCTV Licences.**

The Control Centre Service Development Manager is designated as Single Point of Contact (SPOC) for all day-to-day operations.

Their role includes the responsibility to:

- Maintain day to day management of the system and liaises with CCTV staff managers;
- Ensure that this Code of Practice is complied with;
- Maintain direct liaison with the owners of the system.
- Maintain direct liaison with partners i.e. Essex Police

## 1.5 CONTACT DETAILS FOR SYSTEM OWNERS

Tendring District Council  
Barnes House  
92 Pier Avenue  
Clacton on Sea  
Essex  
CO15 1NJ

Tel: 01255 423 360  
Email: [cctvcontrol@tendringdc.gov.uk](mailto:cctvcontrol@tendringdc.gov.uk)

## 1.6 ACKNOWLEDGEMENT

Tendring District Council wishes to acknowledge the Information Commissioner's CCTV Code of Practice, and the Home Office Surveillance Camera Code of Practice which have been referred to in the development of this Code of Practice.

# 2. TENDRING DISTRICT COUNCIL CCTV

## 2.1 STATEMENT OF PURPOSE

The overarching purpose of the Camera systems operated by Tendring District Council is to assist with making Tendring a safe environment for its residents, visitors and the business community.

The following are the purposes that Tendring District Council has identified for the operation of the different types of CCTV:

- A reduction in the fear of crime and violence, and provide reassurance to the public;
- To support public safety and help secure safer areas in which to work, live, shop and play;
- To assure visitors to Tendring that the town centres, car parks and other areas covered by CCTV cameras provide a safe and secure area to visit;
- To support the safe working environment for Council employees and the Council's elected members;
- To deter, prevent, detect, and investigate crime in the areas covered by CCTV cameras including:
  - providing assistance in the prevention of crime
  - deterring and detecting crime
  - helping to identify, apprehend and prosecute offenders
  - providing the Police and the Council with evidence to take criminal and civil action in the Courts
  - the maintenance of public order
  - control of begging, vandalism and antisocial behaviour
  - crowd control and disorder where appropriate;
  - To assist with town centre management;
- To support the economic well-being of Tendring;
- Surveillance where this is authorised and appropriate;
- To assist in detecting acts of terrorism in Tendring;
- To support national security;
- To assist the Police and Civil Authorities in the event of a major civil emergency in the area covered by the system.

## 2.2 KEY OBJECTIVES

Key objectives of CCTV are:

- To improve the perception of the public in respect of the safety of Tendring;
- To help reduce the amount of crime, including vehicle crime and shoplifting;
- To help reduce the number and type of antisocial street activities, e.g. fly tipping, begging, illegal street trading, vandalism, drunken behaviour;
- To support a better detection of crime in areas covered by CCTV cameras and provide evidential material for any subsequent prosecution in court;
- To assist the Council in its enforcement and regulatory functions within Tendring;
- To improve general security within Council, both in terms of personal security and security of the buildings and assets;
- To improve general security with the district, both in terms of personal security and security of buildings and premises;
- To assist in making the district a more attractive place in which to work, shop and play;
- To assist with visitor economy e.g. lost children, the management of major events held within Tendring;
- To maintain the basic fundamentals of an individual's right to privacy, dress and reasonable behaviour.

## 2.3 CAMERAS AND AREA COVERED

The areas covered by CCTV to which this Code of Practice primarily refers, are generally the main town centre areas and transport interchanges. This may change over time (see section 3 of this Code of Practice).

A full list of fixed permanent cameras can be found in Appendix 3.

## 2.4 TEDNRING DISTRICT COUNCIL - DATA PROTECTION REGISTRATION

Tendring District Council is obliged to comply with the General Data Protection Regulation and Data Protection Act 2018, and is registered with the Information Commissioner's Office as it handles personal data, including images and information captured by CCTV.

The registration number is



**Z577148X**

### 3. DECIDING WHEN SURVEILLANCE CAMERA SYSTEMS SHOULD BE USED

Tendring District Council is aware that using CCTV has the potential to be intrusive on an individual's privacy and therefore we carefully consider the use of the different types of systems available before deploying or using these.

We recognise that the use of CCTV is a valuable tool in the management of public safety and security, in the protection of people and property, in the prevention and investigation of crime, and in bringing crimes to justice.

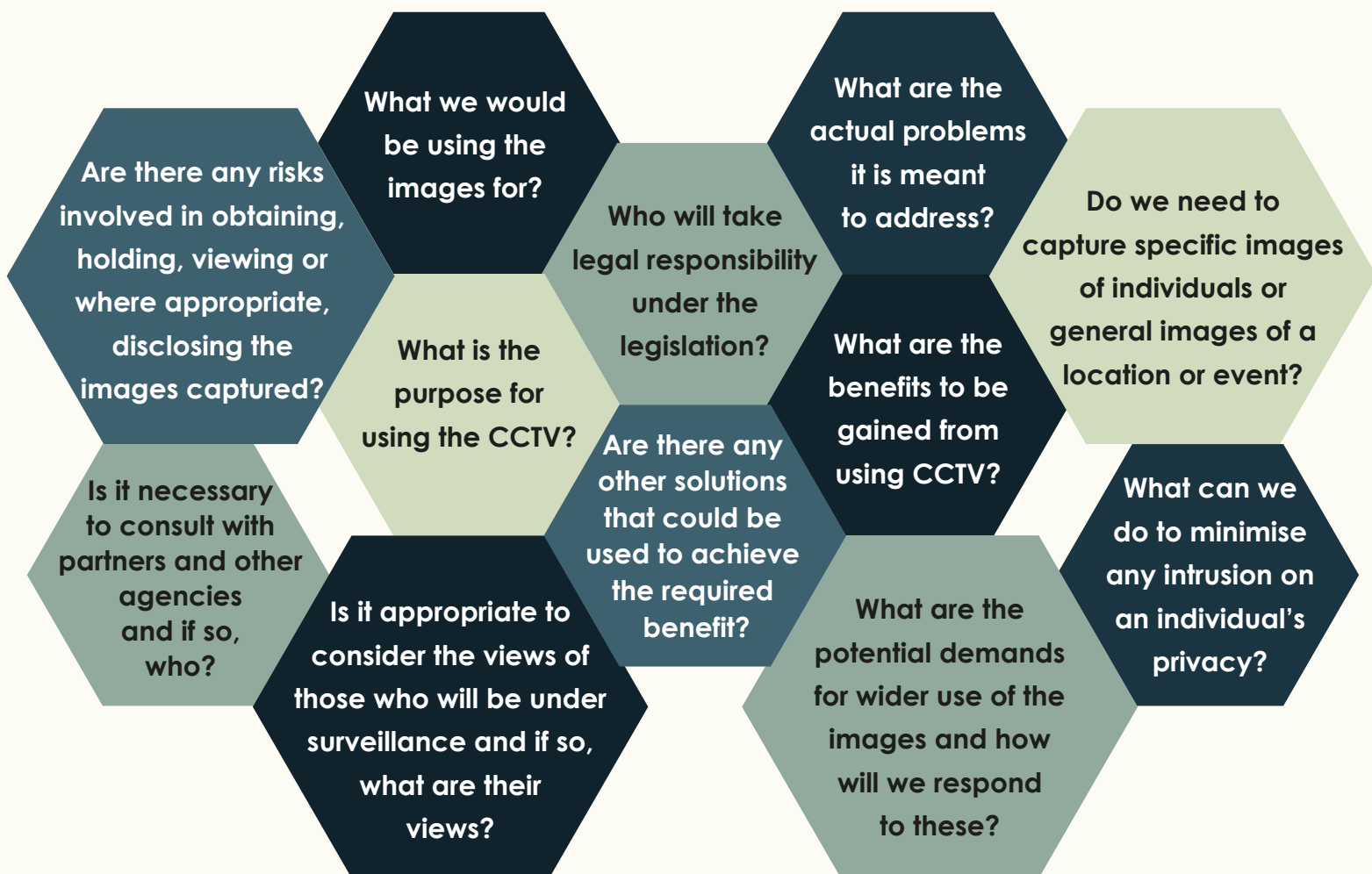
Just because it is possible, affordable or there is public support, these are not the only justifications for capturing images. These images are classed as personal data, and there are obligations for processing such personal data. We will take into account the nature of the problem we are trying to address, the effect it will have on individuals and, whether it is a justified and proportionate response. There are sometimes alternatives which can be used.

For example, cars in a car park are often damaged and broken in to at night. We could consider whether improved lighting would reduce the problem more effectively than CCTV.

The Council will consider the expectations of individuals which will vary for different locations. For example, in a town centre, there is generally an expectation that CCTV will be in use, whilst in a Council office individuals may have an expectation that CCTV will be in use within the reception area only. We need to consider what is necessary and what safeguards we can put in place.

To assist our decision making processes, we will undertake an assessment of the relevant CCTV on an individual's privacy through a Data Protection Impact Assessment (DPIA). This assessment enables us to consider the wider context as well as the legislation, and whether the CCTV impacts on fairness under the first data protection principle.

To summarise, the type of questions that the Council will cover in the Data Protection Impact Assessment are:



Once CCTV is in use, we will regularly evaluate the continuing use of the particular system to determine if it is still necessary.

To ensure that the system is established on a proper legal basis and operated in accordance with the law, the Council will adhere to the data protection principles (Appendix 1), and will adopt the guiding principles contained within the Home Office's Surveillance Camera Code of Practice (Appendix 2). To show how the Council and the CCTV systems adhere to these guiding principles we have completed the Surveillance Camera Commissioner's Self-Assessment Tool which is published on the council website.

# 4. GOVERNANCE

## 4.1 ENSURING EFFECTIVE ADMINISTRATION

Tendring District Council is committed to establishing a clear basis for handling images and information obtained from CCTV. The Council is the System Operator and 'owner' for CCTV, and is the data controller as defined in the DPA and GDPR. We have the responsibility for making decisions and are legally responsible for compliance with the DPA and GDPR.

We will detail who has the day-to-day responsibility for the control of the images recorded from all CCTV, including deciding what is recorded, how it should be used and who can have access to this (directly or via a disclosure).

For some of the CCTV, more than one organisation will be involved; for example, the Council may provide a 'live feed' to the Essex Police Control Room, particularly when this relates to an ongoing incident.

As we are the CCTV 'owner' (and System Operator), where there is more than one organisation involved, as for the Town Centre CCTV, the Council will ensure that we all know our responsibilities and obligations, and will:

- Determine who has responsibility for the control of the images and making the decisions on how they can be used once 'shared';
- Ensure that anyone they agree to regularly share the images with for a legitimate purpose is registered with the Information Commissioner's Office;
- Enter into a suitable written agreement or contract that defines how information will be transferred, includes guarantees about storage and security of the images and all staff are properly trained.

If the Council enters into a contract with another organisation or company to assist with processing the images, for example, if they need to be edited or blurred before disclosure, this contract will include specific instructions on the processing, define responsibilities, require audits or inspections to ensure compliance, and detail an appropriately named individual for the contract.



## 4.2 DEFINING OUR PROCEDURES

The Council will define clear procedures to assist in the use of CCTV on a day-to-day basis. For each different type of CCTV in use, we will define specific procedures and these will be appended to this Code of Practice or published on our website. These will be reviewed regularly to ensure that they meet the following:

- There are clearly defined and specified purposes for the capture and use of the images and information, and these have been communicated to the System Users;
- There are documented procedures for how the images and information should be handled;
- They include guidance on disclosures and how to keep suitable records, as well as ensuring that the disclosure is made to an appropriate person;
- There is a named Council employed individual responsible for ensuring that the standards set for compliance with this Code of Practice and legal obligations, as well as the defined and documented procedures, are followed by all;
- They include a requirement to undertake regular checks and audits, and these checks and audits are recorded.

We will ensure that we take into account any other regulatory guidance or rules, particularly those issued by the Information Commissioner's Office (ICO) or the Surveillance Camera Commissioner's Office.

## 4.3 LOOKING AFTER THE RECORDED IMAGES AND INFORMATION, AND USING THEM

### 4.3.1 STORING OF CCTV INFORMATION

Tendring District Council will store any images captured in a way that maintains the integrity of this information and in line with nationally recognised standards.

Nowadays, the storage is digital, and is held on secure DVRs (Digital Video Recorders) and secure electronic storage devices. Where it is technically possible, these are encrypted. These storage devices are located within Council buildings or assets with restricted access to both the physical building and the storage device. The Council takes all reasonable steps to prevent unauthorised access to images and information.

As the Council's CCTV includes different types of equipment, including mobile devices, we are required to download and store images captured by these devices. When the images are downloaded from such devices, they are stored on encrypted electronic storage.

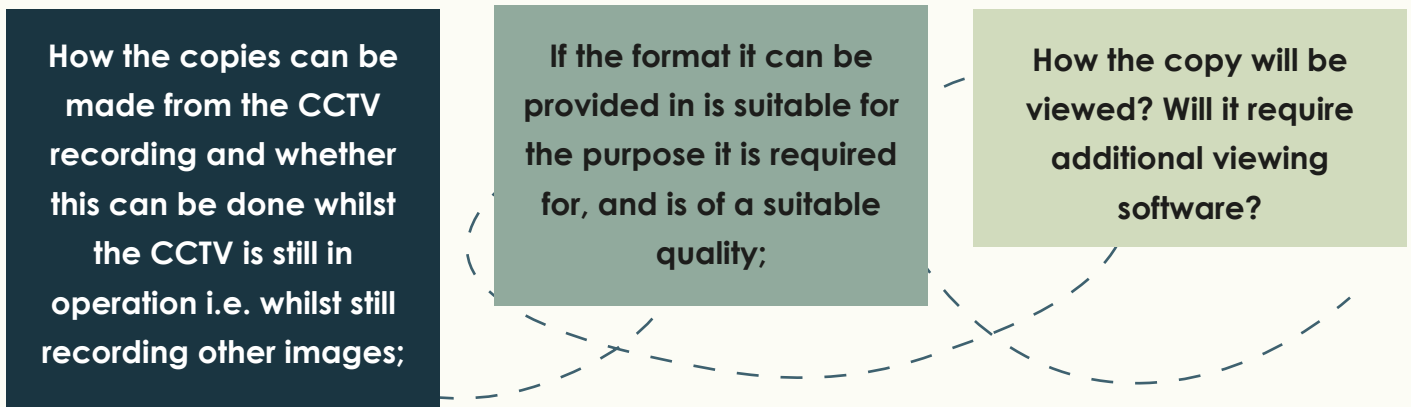
## 4.3.2 RETENTION

Generally, the Council will retain CCTV images and information for one month from the date it was captured, unless it is required for evidence. Where this differs due to the nature of the type of CCTV, we will specify this in the individual procedures. For all types of CCTV, once this retention period has passed, it will be deleted, either automatically via appropriate settings on the CCTV system, or manually where automation is not possible.

## 4.3.3 VIEWING CCTV INFORMATION

Unlike previous CCTV which recorded to video tapes which could be easily provided to law enforcement agencies or others, the modern CCTV relies on digital recording. Therefore, when images are required for evidentiary or law enforcement purposes, there will be agreed procedures for provision of these (usually by DVD, USB device or hard drive, or secure transfer) and an audit trail will be maintained.

When agreeing the procedures, the Council will consider:



General operational viewing of the images and information, i.e. live or real-time viewing, will be managed securely within the council buildings or assets, and will require dedicated software to facilitate viewing directly from the system. It will be restricted to the System Users and where appropriate, other authorised persons. Any persons permitted to view CCTV footage will have signed a Declaration Of Confidentiality (appendix 4.)

Viewing monitors will not be placed in locations which can be viewed by the public.

Where CCTV is in operation in areas where there is a higher expectation of privacy, the viewing will be restricted to the System Users or authorised persons such as the Police. Where there is the additional factor of CCTV being located in an area that is particularly sensitive, live or real-time viewing will not be standard. In these circumstances, the Council Page 76  
occurred will be more appropriate.

## 4.3.4 DISCLOSURE

Disclosure of information from the Council's CCTV will be controlled and in line with the purposes that we have specified for its use.

For example, where we have implemented a CCTV system to help prevent and detect crime, it will be appropriate to disclose images and information to law enforcement agencies such as the Police, but it will not be appropriate for use to disclose the images to the media for entertainment purposes, or to upload these to the internet for entertainment.

That being said, even if we have implemented CCTV for other purposes, it may still be appropriate to disclose images to law enforcement agencies or the Police if failure in disclosing the images would be likely to prejudice the actions of such agencies to prevent or detect crime.

We will work with the media on disclosing images or information where it is necessary to aid identification of individuals, particularly for the detection of crime, but we will only do this in conjunction with the Police.

We will consider any other requests for disclosure of images or information with care as it may be unfair to individuals to disclose their images. Where their images may have to be released to a 'third party' we will consider if the disclosure to this third party outweighs protecting the individual.

Any judgement about disclosure will be made by Tendring District Council as the data controller for CCTV. We do have the discretion to refuse requests unless there is an obligation to disclose in law through information access rights such as Subject Access Rights [see 4.3.5] or Freedom of Information [see 4.3.6], or following a court order.

Once we have disclosed images or information to another, such as the Police, they will become the data controller for their copy. It is then their responsibility to comply with all relevant legislation to keep this copy safe and secure.

## 4.3.5 SUBJECT ACCESS REQUESTS

Individuals whose images and information are recorded by CCTV have a right under the DPA and GDPR, to be provided with a copy of this. This is known as a Right of Access or, more commonly a Subject Access Request (SAR).

The Council must provide the information promptly and within a maximum of 1 month from the date of receipt of the request. We will endeavour to respond promptly, and if the information would be routinely deleted during the maximum 1 month period, we will take steps to secure the information to ensure it is not deleted whilst we are processing the request. If the request is deemed to be complex, we will inform the applicant and may extend the timescale up to an additional 2 months.

The Council has published information on Subject Access Requests on its website <https://www.tendringdc.gov.uk/council/your-right-know/data-protection-privacy-notice-and-cookies>. Irrespective of how the request is submitted, it does require assistance from the individual making the request as they will need to provide sufficient information to be able to identify them, together with information on date and time to narrow the search. We will usually restrict any search to the specific times provided, however we will not undertake a search for any period longer than 2 hours. We will also require proof of identity and address.

If the personal images or information requested includes another individual (a third party), we will consider whether we need to edit or blur (obscure) the third party images, especially if they appear to intrude on their privacy or is likely to cause unwarranted harm or distress. Examples where editing may or may not apply are:

People entering an office or reception are more likely to have a higher expectation of privacy and confidentiality and the images of another third party will need to be edited or blurred before disclosure.

The images of a group of friends waving at a town centre camera can be released to one of the group if they request this, without editing or blurring their friend's images as they have a lower expectation of privacy. The reason is that their actions indicate that they knew the camera was there and they are in a public space.

In summary, the Council will ensure that all Subject Access Requests are handled in line with its own procedures and that these comply with the legislation.

## 4.3.6 FREEDOM OF INFORMATION REQUESTS

As a public authority, Tendring District Council is required to comply with requests for information submitted under the Freedom of Information Act (FOI).

We have members of staff trained to handle and respond to FOI requests who understand the Council's responsibilities to respond within the legislated timescale of 20 working days from receipt of the request. For the CCTV Service, the majority of FOI requests are for an individual's image captured by the CCTV System. These can fall into two categories and are considered in conjunction with Section 40 of the FOI:

If the images or information is the personal data of the person making the request, then it is exempt from FOI and will be treated as a Subject Access Request;

If the images or information are personal data of another person, a third party, then this will only be disclosed if this would not breach the data protection principles.

In these instances, the Council will consider if disclosure is appropriate but it is generally unlikely that others images will be disclosed as this would mean that the images could then be used for any purpose and this would be outside the registered purpose of the CCTV and the individual's expectations.

All other requests, for example, where a person asks about the costs of the CCTV or the operation of it, will be dealt with under FOI. Disclosure will be subject to any exemptions that may apply. Individuals whose images and personal information are recorded by CCTV have rights under data protection law. These include the Right of Access or Subject Access Request (SAR). This provides an individual with the right to request and obtain confirmation from the Council as to whether or not their personal information are being processed in any way and, if so, to have access to their own personal information. The Council must also provide the requestor with a range of other information. These Rights are all clearly set out in the Council's Data Protection Privacy Notice which is published on its website <https://www.tendringdc.gov.uk/privacy> and on request at its public reception areas throughout the District. R).

The Council must provide the information free of charge, without undue delay and within 1 calendar month from the date of receipt of the request, or following receipt of any clarification or proof of identity has been received. We will endeavour to respond promptly, and if the information would be routinely deleted during the 1 month period, we will take steps to secure the information to ensure it is not deleted whilst we are processing the request. If the request is deemed to be complex, we will inform the applicant at the time of their request and are able to extend the timescale up to an additional 2 months if required.

### 4.3.7 RIPA REQUESTS

From time to time, the council will receive a request that has been authorised under the Regulation of Investigatory Powers Act (RIPA). These requests will specify circumstances and locations for a camera to be positioned to capture images or information, and may be covert.

We will ensure that any such request is in writing and has the appropriate level of authority for the specified recording and subsequent disclosure. An audit record of all such requests will be maintained.

### 4.3.8 COMPLAINTS

Any complaints will be handled in accordance with the Council's Complaints Procedure which can be found online at <https://www.tendringdc.gov.uk/council/consultation-contact-and-complaints/how-complain>

In the first instance any complaint should be submitted in writing to:

The Control Centre Service Development Manager

Tendring District Council

Barnes House

92 Pie Avenue

Clacton-on-Sea

CO15 1NJ

or by email to: [cellington@tendringdc.gov.uk](mailto:cellington@tendringdc.gov.uk)

## 4.4 STAYING IN CONTROL

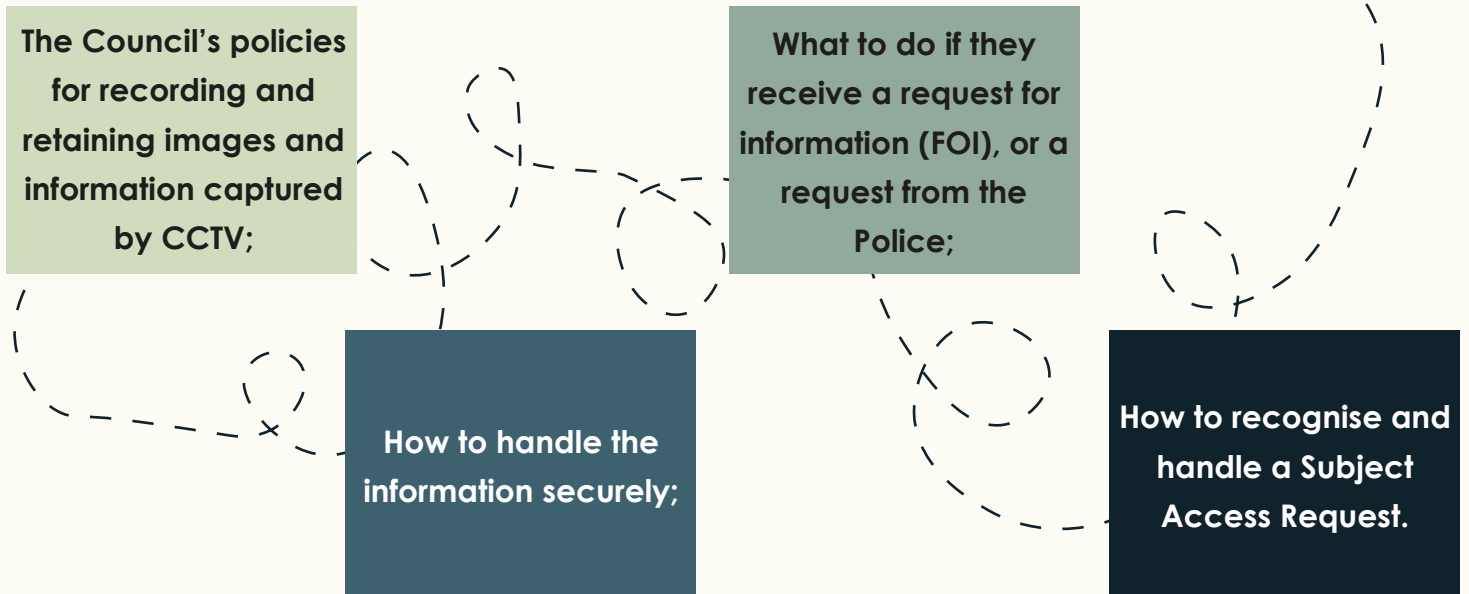
To ensure compliance with legislation and the requirements of the both the ICO's CCTV Code of Practice and Home Office's Surveillance Camera Code of Practice, Tendring District Council will:

**Tell people how they can make a subject access request;**

**Make this Code of Practice available to the public;  
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**Tell them how to complain about the operation of CCTV.**

Employees and system users that use and operate the CCTV will be trained to ensure they comply with this Code of Practice. They will know:



We will ensure that images and information will be protected, including technical, organisational and physical security measures to assist with this. Such measures include:

- Protect any wireless transmissions to safeguard it from interception;
- Apply software updates to the CCTV when necessary;
- Restrict who can make copies of information;
- Ensure that the deletion process is effective and adhered to;
- Secure the control room and the facilities where the information is stored digitally;
- Train those using the CCTV in security procedures and sanction those who misuse the CCTV;
- Ensure those using and operating CCTV are aware that they could be committing a criminal offence if they misuse the CCTV.

There will be a regular review of procedures and processes to maintain the defined standards. There will also be regular reviews of the various CCTV systems which will assist the Council's compliance with legislation.

# 5. SELECTING AND SITING CAMERAS

The CCTV implemented by Tendring District Council will be approved to meet the purpose for which it is being used. Consequently, the images or information captured will be adequate for the purposes specified.

Where CCTV is permanently installed, such as the Town and District CCTV, this will be in all-weather domes or cases and will not be installed in a covert manner.

In selecting CCTV equipment we will use that which is most appropriate for the situation. Many cameras now record in full colour and some can automatically switch to monochrome in low light conditions. For the Town Centre and District CCTV, we will use both fixed cameras and those that have pan, tilt and zoom facilities (PTZ).

The locations in Tendring District for the placement of permanent camera equipment, or for RDCs, will be chosen to achieve the purpose, and restrict the capture of images of areas that are not of interest or intended to be the subject of the surveillance.

For areas where there is a greater expectation of privacy, for example, in changing rooms, we will only temporarily use cameras in exceptional circumstances where it is necessary to deal with the most serious concerns. Without prejudicing any investigations, we will make every effort to make individual's aware that they are being recorded, and ensure that appropriate restrictions are in place.

We will refer to the guiding principles within the Code of Practice for POFA (principle 8) where this relates to identifying the requirements of a surveillance camera system.





To summarise, the Council will consider the following to make informed decisions:

- What are the technical specifications and the technologies available to ensure that the images captured are of an appropriate quality?
- Is the camera suitable for the location, considering the light levels and size of area to be viewed?
- Will the camera be sited in a way that ensures it is secure and protected from vandalism?
- Will the view of the camera be obscured by buildings or growth of plants and trees, or similar?
- Where appropriate, will the camera be sited to ensure that the viewing space it records is limited to the purpose (the need)?
- When the camera is installed to deal with a specific problem, is it possible, or suitable to have a CCTV system that only records on movement or at certain times?
- Does the CCTV System chosen produce images that are of sufficient size, resolutions and frames per second?

## 6. OTHER TECHNOLOGIES

There are a number of other CCTV technologies that have been developed more recently and the way in which these can be linked or matched together means that CCTV is becoming more connected. This presents further issues for the operation of these types of CCTV and the handling the personal data of individuals.

### 6.1 BODY WORN CAMERA (BWC)

BWC is the use of a camera that can be worn by a council employee, usually attached to their uniform clothing. These small cameras can record both sound and video.

The Council recognises that BWC is likely to be more intrusive than more traditional CCTV and we will ensure that consideration is given to the impact on privacy before deploying these.

Currently Tendring District Council is not using BWC in any of its services but reserves the right to introduce this type of recording device if it is felt necessary to either protect our staff or for evidential purposes. The use of BWC would only be permitted after regard to this Code of Practice and the Surveillance Camera Commissioner's 12 Guiding Principles (see appendix 2).

## 6.2 STAND-ALONE CCTV

Tendring District Council uses CCTV within its own offices and assets such as the Town Hall, Northbourne Depot, or Sheltered Housing schemes.

Some of these are connected to the main CCTV Control Room and images or information is recorded on the main DVRs. However, a number of these are stand-alone CCTV systems. This means that the recordings are held within the particular office or asset and can only be accessed by authorised Council employees trained to operate that system.

Where we use stand-alone CCTV, we avoid continual monitoring of the images as far as possible. We will access the recordings to view and provide copies of the images and information when this is necessary and in line with legislation.

## 6.3 RAPID DEPLOYMENT CAMERAS (RDC)

RDC can be moved to agreed sites following identification of an increase in incidents in that specific locality.

To ensure that the deployment of the RDC complies with legislation, checklists will be followed and these form part of the documentation that will be maintained to form an audit record.

Deployment of the RDC will be carried out by the Council's appointed Installation and Maintenance Contractor who will comply with all relevant safety procedures, will wear appropriate protective equipment, and clothing that clearly identifies the company they are employed by.

## 6.4 DRONES

Tendring District Council has introduced drone (SUSA) technology to enhance aerial footage for both promotional and communication purposes. The Council will not use a drone for any surveillance footage.

The use of drones is covered by a bespoke Drone Policy which can be found on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

## 7. USING THE EQUIPMENT

Tendring District Council recognises that it is important that any CCTV produces information that is of a suitable quality to meet the purpose that it was installed for. The Surveillance Camera Commissioner is responsible for providing advice on recommended operational, technical and occupational standards and the Council has taken this into account.

When using CCTV, will we ask:

- If the CCTV produces clear, quality information that is maintained throughout the recording process;
- Whether we need to compress the recorded material and if so, determine if this will result in a lower picture quality;
- If we have set up the recording systems in a way that prevent inadvertent corruption;
- If we regularly check the date and time stamp on recorded images to ensure it is accurate;
- What the maintenance regime should be and if it is sufficient to maintain high quality information;
- If any wireless transmissions we use are secure and if we have the ability to encrypt the information;

Although our main CCTV will not normally record conversations, the Council can mitigate any intrusion on privacy. Where we have identified a need for recording conversations, we will follow the guidance in the ICO Code of Practice and that included in the Surveillance Camera Commissioner's standards to avoid a breach of the relevant data protection legislation and Article 8 of the European Convention on Human Rights and the associated HRA (the right to family and private life).

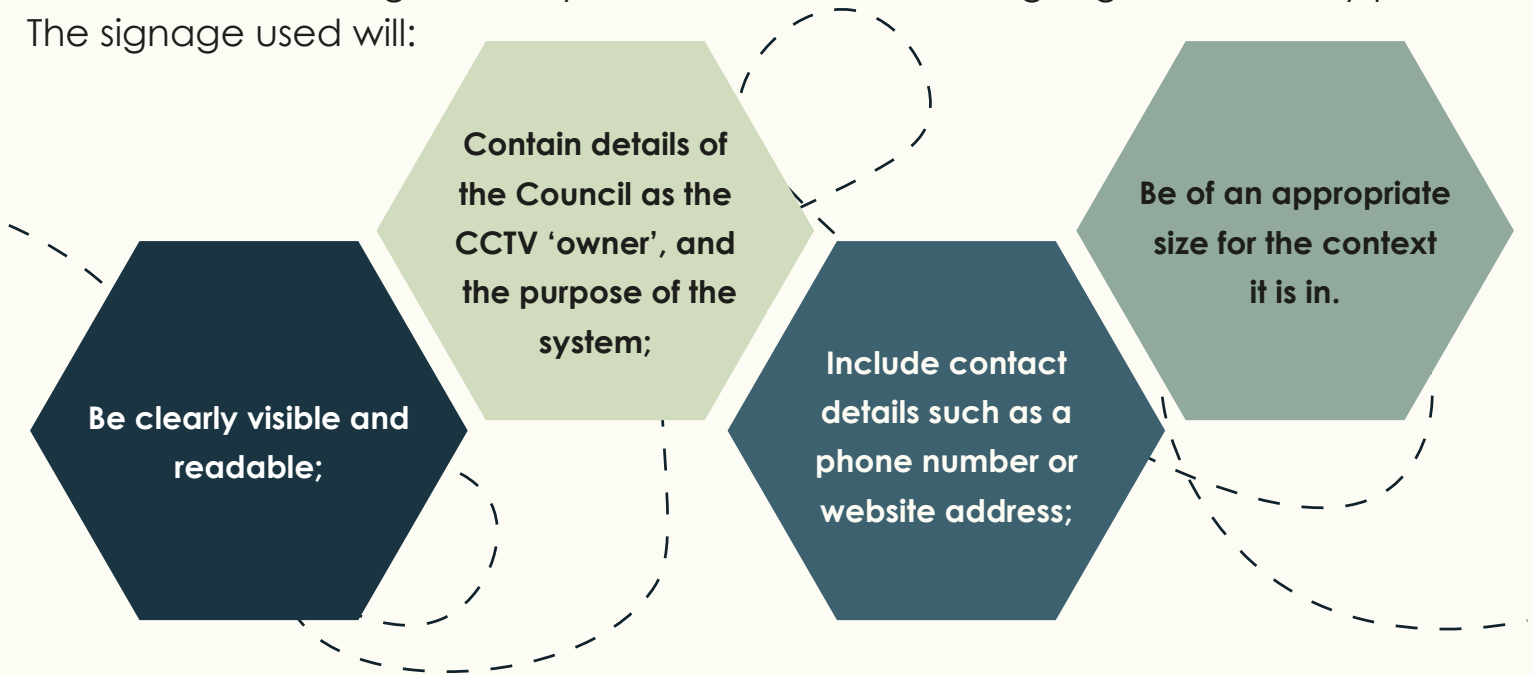
Some CCTV has the ability to broadcast messages. We will only use this type of CCTV if the proposed messages directly relate to the purpose of the system

# 8. RESPONSIBILITIES

## 8.1 LETTING OTHERS KNOW

We will let people know that we are operating CCTV by placing signs in the areas where this is in place. For the Town Centre and District system, we will place clear and prominent signage on street furniture such as lampposts or walls.

Where CCTV is in use in areas where there is a higher expectation of privacy, such as a Council building or facility, we will ensure there is signage at the entry points. The signage used will:



## 8.2 OTHER RESPONSIBILITIES

The Council acknowledges that there are further key rights that individuals have under data protection legislation (DPA and GDPR) which the Council will make the System Users aware of.

These are:

The right to prevent processing likely to cause substantial and unwarranted distress;

The right to prevent automated decision-taking in relation to an individual.

If an individual exercises these rights, the Council's Information Governance Team will advise on how to process the requests.

If we are required to use contractors at any time we will ensure that they hold a public space surveillance (CCTV) licence to ensure compliance with the Private Security Industry Act 2001 and the Security Industry Authority (SIA).

# APPENDIX 1

## The General Data Protection regulation: data protection principles (Article 5)

System Operators should adopt the following principles:

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall [...] not be considered to be incompatible with the initial purposes ('purpose limitation');

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...] subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').

# APPENDIX 2

## The guiding principles of the Surveillance Camera Code of Practice

System Operators should adopt the following 12 guiding principles:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.



# APPENDIX 3

## CAMERA LOCATIONS

Location (Street, Car Park)	Activity (need)	Purpose of observation	Target Speed
<b>Clacton Town Centre</b>			
Wagstaffs Corner, 37 Station Road Clacton-on-Sea, CO15 1TD	Public Safety, Shoplifting	Monitoring a large area	Variable
Christmas Tree Island, CO15 1FB	Public Safety, Shoplifting, Antisocial Behaviour	Monitoring a large area	Variable
Edinburgh Woollen Mill, 68-70 Pier Avenue, Clacton-on-Sea, Essex CO15 1NH	Public Safety, Shoplifting	Monitoring a large area	Variable
QD, 72-76 Rosemary Road, Clacton-on-Sea CO15 1TZ	Public Safety, Shoplifting	Monitoring a large area	Variable
The Carlton, Rosemary Road, Clacton-on-Sea, CO15 1TE	Public Safety, Shoplifting	Monitoring a large area	Variable
Sainsbury's, 39 High Street, Clacton-on-Sea, Essex CO15 1NU	Public Safety, Shoplifting	Monitoring a large area	Variable
25 Carnarvon Road, CO15 6QF	Theft/Shoplifting, Antisocial Behaviour	Observe/Monitor	Variable
Rosemary Road/Orwell Road, 23 Rosemary Road, CO15 1PA	Theft/Shoplifting, Antisocial Behaviour	Observe/Monitor	Variable
Pallister Road, 19 Pallister Road, Clacton-on-Sea, Essex, CO15 1PQ	Theft/Shoplifting, Antisocial Behaviour	Observe/Monitor	Variable
2 Marine Parade West, CO15 1RH	Public Safety, Antisocial Behaviour	Observe/Monitor	Variable
Agate Road Car Park, Clacton on Sea, CO15 1RA	Public Safety, Antisocial Behaviour, Theft	Observe/Monitor	Variable



The Pier, Clacton on Sea, CO15 1RH	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Edith Road/Marine Parade West	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Tower Road/Marine Parade West	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Jackson Road, Clacton on Sea, CO15 1JP	Public Safety, Theft/ Shoplifting	Observe/Monitor	Variable
Town Hall, Clacton on Sea, CO15 1SE	Public Safety, Shoplifting	Observe/Monitor	Variable
Train Station, Clacton on Sea, CO15 6DE	Public Safety / Flow of Crowds	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park)Clacton on Sea CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park), Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park) Ground Floor 1, Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park) Ground Floor 2, Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park) Middle Floor 1, Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park) Middle Floor 2, Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Carnarvon Road (Multi Story Car Park) Middle Floor 3, Clacton on Sea, CO15 6QF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable

Wellesley Road Car Park, Clacton on Sea, CO15 3AA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Lidl, 3 St Osyth Road, Clacton on Sea, CO15 3BN	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
London Road Roundabout, Clacton on Sea, CO16 8DB	Public Safety / Flow of Traffic	Observe/Monitor	Variable
Elm Grove Car Park, Clacton on Sea, CO15 4DH	Theft / Vandalism	Observe/Monitor	Variable
56 North Road, Clacton on Sea, CO15 4DE	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Jaywick Sands			
The 3 Jays, 1 Marlow Road, Jaywick Clacton on Sea, CO15 2PJ	Public Safety / Flow of Traffic	Observe/Monitor	Variable
Dots of Jaywick, 8 Broadway, Jaywick, Clacton on Sea, CO15 2EB	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Sweet Tina's, 12-13 Tamarisk Way, Jaywick, Clacton on Sea, CO15 2HZ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Enterprise Centre, Lotus Way, Jaywick, Clacton on Sea, CO15 2LU	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre, Brooklands Gardens Jaywick, Clacton on Sea, CO15 2PJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Brooklands Gardens 1, Jaywick, Clacton on Sea, CO15 2PJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Brooklands Gardens 2, Jaywick, Clacton on Sea, CO15 2PJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable

Belsize Belsize Avenue, Jaywick, Clacton-on-Sea, CO15 2LF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Belsize Belsize Avenue, Jaywick, Clacton-on-Sea, CO15 2LF	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Rover Avenue 1, Jaywick, (Fixed), CO15 2LP	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Rover Avenue 1a, Jaywick, (PTZ), CO15 2LP	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Rover Avenue 2, Jaywick, (FIXED), CO15 2LP	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Lotus Way, Jaywick (PTZ), CO15 2LY	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Lotus Way, Jaywick (Fixed), CO15 2LY	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre, Brooklands Gardens, Jaywick, Clacton on Sea, CO15 2PJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre, Brooklands Gardens, Jaywick, Clacton on Sea, CO15 2PJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Wolseley Avenue 1, Jaywick, Clacton-on-Sea, Essex, CO15 2JH	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Wolseley Avenue 2, Jaywick, Clacton-on-Sea, Essex, CO15 2JH	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Tamarisk Way, Jaywick, Clacton-on-Sea, Essex, CO15 2HZ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable

Clacton (other)			
Wahoo, 2 Marine Parade West, Clacton-on-Sea CO15 1RH	Public Safety, Antisocial Behaviour.	Identify and Recognise	Stationary / walking
Barnes House - Front Door, Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Security of unauthorised entry	Identify and Recognise	Stationary
Front of Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Identify and Recognise	Variable
Generator - Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Security of unauthorised entry	Observe/Monitor	Stationary / walking
Rear Gate - Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Security of unauthorised entry	Observe/Monitor	Stationary / walking
Rear side Fire Exit - Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Security of unauthorised entry	Observe/Monitor	Stationary / walking
Foot Path - Barnes House, 92 Pier Avenue, Clacton on Sea, CO15 1NJ	Security of unauthorised entry	Observe/Monitor	Stationary / walking
Percy King Estate			
Coppins Hall - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Coppins Hall Play Area - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary / walking
Nayland Front Drive - Clacton-on-Sea, Essex CO16 8TJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Nayland Rear Drive - Clacton-on-Sea, Essex, CO16 8TJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable

Nayland Drive Column - Clacton-on-Sea, Essex, CO16 8TJ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Langham Rear -, Langham Drive, CO16 7AQ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Langham Front - Langham Drive, CO16 7AQ	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Boxted Avenue - Clacton-on-Sea, Essex CO16 7AE	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre 1 - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre 2 - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre 3 - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
Community Centre 4 - Maldon Way, Clacton-on-Sea, Essex, CO16 7PA	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Variable
<b>Housing related</b>			
Churchill Court, Dovercourt, Harwich, CO12 4NU	Public Safety, Antisocial Behaviour,	Observe/Monitor	Variable
Churchill Court, Dovercourt, Harwich, CO12 4NU	Public Safety, Antisocial Behaviour,	Observe/Monitor	Variable
Churchill Court, Dovercourt, Harwich, CO12 4NU	Public Safety, Antisocial Behaviour,	Observe/Monitor	Variable
Churchill Court, Dovercourt, Harwich, CO12 4NU	Public Safety, Antisocial Behaviour,	Observe/Monitor	Variable

Churchill Court, Dovercourt, Harwich, CO12 4NU	Public Safety, Antisocial Behaviour,	Observe/Monitor	Variable
Sheltered Housing			
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Crooked Elms, Off Maple Close, Dovercourt, Harwich, CO12 4AL	Public Safety	Observe/Monitor	
Kate Daniels Hilltop Crescent, Weeley, CO16 9HE - Main Door	Public Safety	Recognise	Stationary
Kate Daniels Hilltop Crescent, Weeley, CO16 9HE Car Park/Entrance	Public Safety	Observe/Monitor	Variable
Kate Daniels Hilltop Crescent, Weeley, CO16 9HE Rear	Public Safety	Observe/Monitor	Variable
Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Gardens	Public Safety	Observe/Monitor	Variable
Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Car Park	Public Safety	Observe/Monitor	Variable
Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Main Door	Public Safety	Recognise	Stationary

Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Car Park	Public Safety	Observe/Monitor	Variable
Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Other	Public Safety	Observe/Monitor	
Honeycroft, Waldegrave Way, Lawford, Manningtree, CO11 2DY Front Entrance	Public Safety	Recognise	Stationary
Vyntoner House, Kincaid Road, St Osyth, CO16 8QZ Entrance	Public Safety	Recognise	Stationary
Vyntoner House, Kincaid Road, St Osyth, CO16 8QZ Rear Garden	Public Safety	Observe/Monitor	Variable
Vyntoner House, Kincaid Road, St Osyth, CO16 8QZ Car Park	Public Safety	Observe/Monitor	Variable
Vyntoner House, Kincaid Road, St Osyth, CO16 8QZ Main Door	Public Safety	Recognise	Stationary
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Car Park	Public Safety	Observe/Monitor	Variable
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Side Drive	Public Safety	Observe/Monitor	Variable
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Car Park	Public Safety	Observe/Monitor	Variable
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Main Door	Public Safety	Recognise	Stationary
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Car Park	Public Safety	Observe/Monitor	Variable
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Hall Way	Public Safety	Observe/Monitor	Variable
Groom House, St Anne's Road, Clacton on Sea, CO15 3NE Side Drive Way	Public Safety	Observe/Monitor	Variable
St Marys, Crossfield Road, Clacton on Sea, CO15 3QS Main Door	Public Safety	Recognise	Stationary
St Marys, Crossfield Road, Clacton on Sea, CO15 3QS Rear Garden	Public Safety	Observe/Monitor	Variable

St Marys, Crossfield Road, Clacton on Sea, CO15 3QS Main Entrance	Public Safety	Recognise	Stationary
St Marys, Crossfield Road, Clacton on Sea, CO15 3QS Garden	Public Safety	Observe/Monitor	Variable
Mead House, Saville Street, Walton on Naze, CO14 8PP Rear Garden	Public Safety	Observe/Monitor	Variable
Mead House, Saville Street, Walton on Naze, CO14 8PP Washing Lines	Public Safety	Observe/Monitor	Variable
Mead House, Saville Street, Walton on Naze, CO14 8PP Court Yard	Public Safety	Observe/Monitor	Variable
Mead House, Saville Street, Walton on Naze, CO14 8PP Car Park	Public Safety	Observe/Monitor	Variable
Mead House, Saville Street, Walton on Naze, CO14 8PP Main Entrance	Public Safety	Recognise	Stationary
Mead House, Saville Street, Walton on Naze, CO14 8PP Main Door	Public Safety	Recognise	Stationary
Mead House, Saville Street, Walton on Naze, CO14 8PP Ramp	Public Safety	Recognise	Stationary
Greenfields, Edenside, Kirby Cross, Frinton on Sea, CO13 OTQ Main Door	Public Safety	Recognise	Stationary
Greenfields, Edenside, Kirby Cross, Frinton on Sea, CO13 OTQ Car Park	Public Safety	Observe/Monitor	Variable
Greenfields, Edenside, Kirby Cross, Frinton on Sea, CO13 OTQ Main Entrance	Public Safety	Recognise	Stationary
Greenfields, Edenside, Kirby Cross, Frinton on Sea, CO13 OTQ Rear Garden	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Main Road	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Main Road Main Entrance	Public Safety	Recognise	Stationary



Belmans Court, Deanes Close, Dovercourt, CO12 4JH Hallway	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Rear Garden	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Rear Garden	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Main Door	Public Safety	Recognise	Stationary
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Hallway	Public Safety	Observe/Monitor	Variable
Belmans Court, Deanes Close, Dovercourt, CO12 4JH Main Door	Public Safety	Recognise	Stationary
Stand Alone Systems			
Town Hall, Station Road, Clacton, CO15 1SE 16 static cameras	Public Safety, Vandalism, Theft	Recognise	Stationary
Civic Offices, Pier Avenue, Clacton, CO15 1NJ 13 static cameras	Public Safety, Vandalism, Theft	Recognise	Stationary
Northbourne Depot, Vista Road, Clacton on Sea, Essex, CO15 6AY 12 static cameras	Public Safety, Vandalism, Theft	Recognise	Stationary
Public Convenience, Greensward, Frinton on Sea 1 static camera	Public Safety	Observe/Monitor	Stationary
Clacton Leisure Centre, Vista Road, Clacton-on-Sea, CO15 6DB 30 cameras internal & external	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary

Walton Lifestyles, Bath House Meadow, Prince's Esplanade, Walton on the Naze, CO14 8PZ  16 cameras (9 internal & 7 external)	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary
Dovercourt Bay Lifestyles, Low Road, Dovercourt, Harwich, CO12 3TA  26 cameras (4 external, 10 internal, 8 underwater & 4 poolside)	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary
Harwich Sports Centre Hall Lane, Dovercourt, Harwich, CO12 3TB  14 cameras owned by Harwich School	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary
Manningtree Sports Centre, Colchester Road, Lawford, Manningtree, CO11 2BN  11 cameras (2 external & 9 internal)	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary
Brightlingsea Sports Centre, 27 Samson's Road, Brightlingsea, Colchester, CO7 0RN  4 cameras (1 external & 3 internal.)	Public Safety, Antisocial Behaviour, Vandalism, Theft	Observe/Monitor	Stationary
Jaywick Enterprise Centre, Lotus Way, Jaywick, Clacton-on-Sea, CO15 2LU  3 static cameras covering side and rear aspect	Public Safety, Antisocial Behaviour, Vandalism, Theft	Not monitored	Variable

# APPENDIX 4

## DECLARATION OF CONFIDENTIALITY - THE CCTV SYSTEM

I, ....., am retained by the Tendring District Council to perform the duty of CCTV Operator / Supervisor / Manager / Insert other\*. I have received a copy of the Code of Practice in respect of the operation and management of that CCTV System.

I hereby declare that:

I am fully conversant with the content of that Code of Practice and understand that all duties which I undertake in connection with the Integrated Public Safety System must not contravene any part of the current Code of Practice, or any future amendments of which I am made aware. If now, or in the future, I am or become unclear of any aspect of the operation of the System or the content of The Code of Practice, I undertake to seek clarification of any such uncertainties.

I understand that it is a condition of my employment that I do not disclose or divulge to any individual, firm, company, authority, agency or other organisation, any information which I may have

acquired in the course of, or for the purposes of, my position in connection with the CCTV System, verbally, in writing or by any other media, now or in the future, (including such time as I may no longer be retained in connection with the CCTV System for a period of 10 (ten) years from the date of leaving).

In appending my signature to this declaration, I agree to abide by the Code of Practice at all times. I also understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, whether received verbally, in writing or any other media format - now or in the future.

I further acknowledge that I have been informed and clearly understand that the communication, either verbally or in writing, to any unauthorised person(s) of any information acquired as a result of my employment with Tendring District Council may be an offence against the Official Secrets Act of 1911, Section 2, as amended by the Official Secrets Act of 1989.

Signed: ..... Print Name: .....

Witness: ..... Position: .....

Dated this ..... day of ..... (Month) ..... (Year)

\*delete / insert where applicable

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# OPERATING PROCEDURES MANUAL CCTV 2021

*Tendring*  
District Council



# VERSION CONTROL SHEET

Title	CCTV Operating Procedures
Author	Claire Ellington
Approved by	CCTV SRO & Internal Audit Manager
Date	02/02/2021
Version Number	3
Status	Draft
Review Frequency	Yearly
Next Review Date	21/04/2021

## AMENDED HISTORY / CHANGE RECORD

Date	Version	Key Changes/Sections Amended	Amended by
17/09/2019	1		CE
21/04/2020	2	Amended to reflect responsibilities in other TDC departments	CE & MW
02/02/2021	3	Yearly review	MW

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# CCTV OPERATING PROCEDURES MANUAL

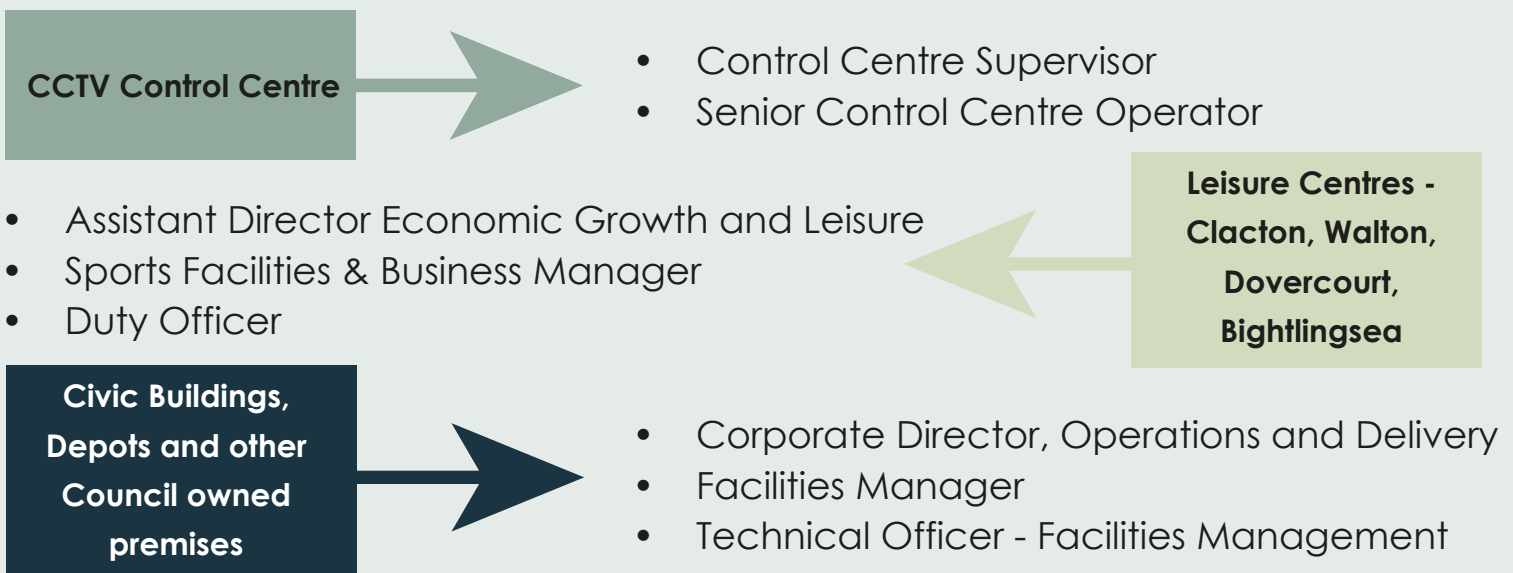
## MISSION STATEMENT

To provide a safe and secure environment in those parts of the district, and Council owned buildings, covered by CCTV Systems, for the benefit of all those living in, working in, and visiting the area.

## FOR THE PURPOSE OF THIS MANUAL, AUTHORISED RESPONSIBLE STAFF ARE:



## OTHER AUTHORISED STAFF WITH LOCAL RESPONSIBILITY:



The cameras in the Leisure Centres, Civic Buildings and other Council owned premises can only be viewed locally on site (known as stand-alone systems); the Control Centre does not have access to view video feeds from these. The General Principles below apply across all TDC owned CCTV systems, however there are specific procedures that apply to the stand-alone systems.



## **GENERAL PRINCIPLES**

*This section covers the general principles for the operation of CCTV systems used for the surveillance of public areas.*

All users are to be fully conversant with the Tendring District Council (TDC) CCTV Code of Practice and the CCTV Operating Procedures Manual, before operating the system. All CCTV Operators and Authorised Persons should sign to confirm that they have read and understood these documents, and that they agree to abide by their instructions. Upon signing, each Operator or Authorised Person will assume responsibility for their own actions with regards CCTV. Due to the legal requirements now in place, variation from the codes may make the CCTV Operator and Authorised Person liable to legal redress and disciplinary procedures.

## **CIVIL LIBERTIES-HUMAN RIGHTS- DATA PROTECTION GDPR (GENERAL DATA PROTECTION REGULATION)**

CCTV Operators are to be particularly careful when dealing with issues concerning Civil Liberty and Human Rights. Legislation is in place to protect individuals' rights. Tendring District Council clearly wishes to protect these rights.

The EU General Data Protection Regulation (GDPR) supplemented by The Data Protection Act 2018, and accompanying Information Commissioner's code of practice for CCTV, regulate the management and operation of public area CCTV systems. The CCTV Code of Practice deals with the conditions it places upon CCTV schemes more fully. If there is any doubt as to the action taken by CCTV Operators, reference must be made to a member of Responsible Staff.

In compliance with Protection of Freedoms Act 2012 the Surveillance Camera Commissioner issued a code of practice for CCTV, which has been incorporated into the Tendring District Council's CCTV code of practice and this operating procedure manual.

This code sets out 12 guiding principles that provide a framework for operators and users of surveillance camera systems, so that there is proportionality and transparency in their use of surveillance and the systems are capable of providing good quality images and other information that are fit for purpose.

The increase in the capability of surveillance camera technology has the potential to increase the likelihood of intrusion into a person's privacy. The Human Rights Act 1998 gives effect to the rights set out in the European Convention on Human Rights. Some of these rights are absolute, whilst others are qualified, where it is permissible for the state to interfere so long as it is in pursuit of a legitimate aim and proportionate. Article 8 (Human Rights Act 1998) establishes the qualified right to privacy, where a person's rights may be restricted for specified reasons, such as to protect public safety or to prevent disorder or crime; at the same time, a public authority like the Council must take positive steps to protect a person's privacy.

## **SECURITY OF IMAGES AND DOCUMENT COPYING GENERALLY**

- CCTV Operators should also be particularly careful when dealing with all recorded material.
- Under no circumstances should Operators allow the original recording of images to be taken from the recording site (to seize hard disks from the digital recording system) without specific authority. No Police Officer of whatever rank is authorised to remove digital images without authority and only in accordance with the Codes of Practice.
- CCTV Operators will ensure that no additional copies are made other than in accordance with the Code of Practice and Data Protection Act 1998.
- Where copies are made, the person receiving must sign for them and be made aware of the implications of complying with the Data Protection Act guidelines.
- Document copying also falls within the Data Protection Act and due regard must be given to those guidelines. A copy of the recorded images is a document as defined by Police and Criminal Evidence Act (PACE)

***If in doubt, CCTV Operators should ask a member of Responsible or Authorised Staff.***

## **AIMS & PURPOSE OF THE CCTV SYSTEM**

*This section deals with the overall objectives of the provision of the CCTV system in the Tendring District.*

## **BASIC PURPOSE OF THE CCTV SYSTEM**

The purpose of this CCTV System is to assist in the prevention, detection and prosecution of crime and public order.

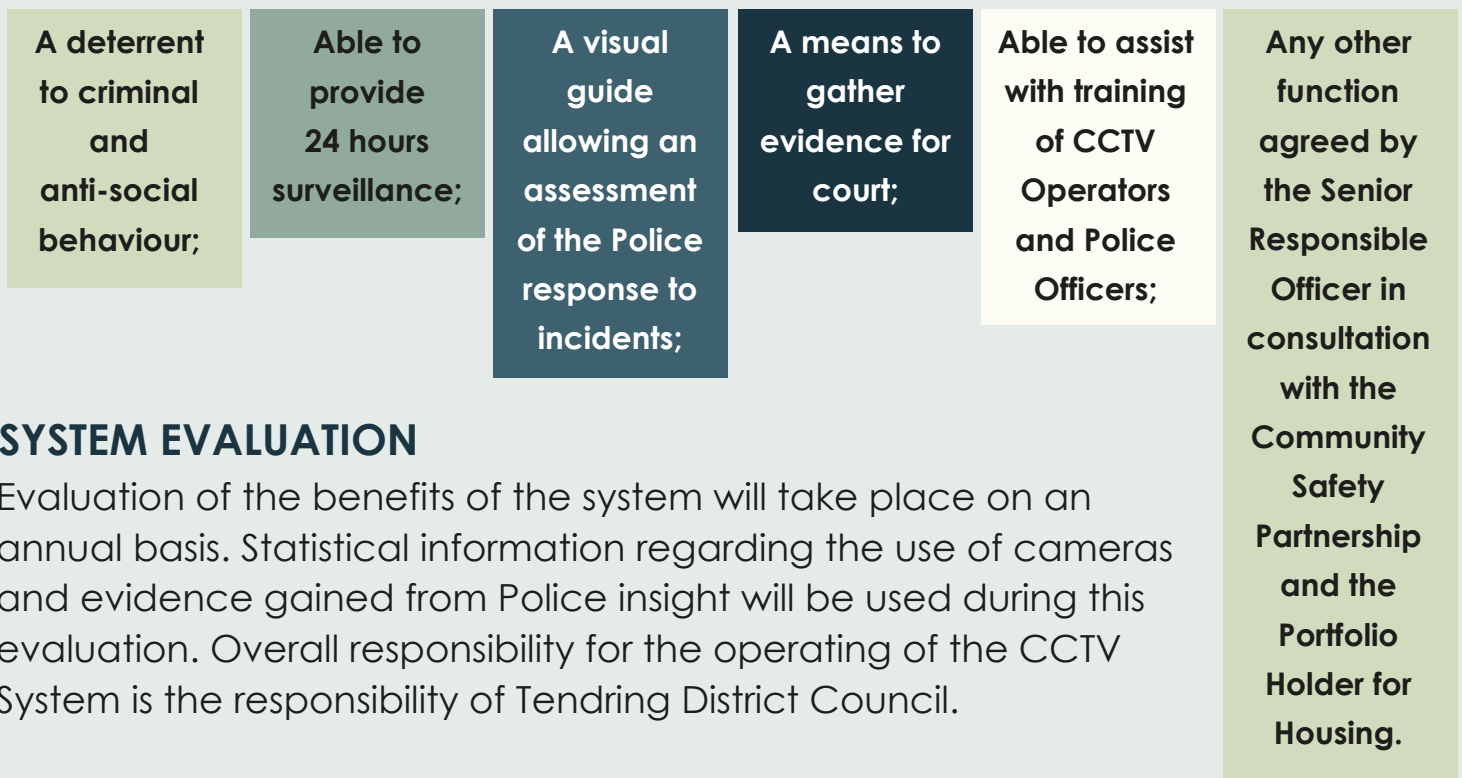
## AIMS OF TENDRING CCTV SYSTEMS

The aim of the CCTV Systems is to monitor public areas in Tendring to provide assistance with the following:-



## BASIC FUNCTIONS OF THE CCTV SYSTEM

These functions will be aided through the provision of the CCTV System being:-



## SYSTEM EVALUATION

Evaluation of the benefits of the system will take place on an annual basis. Statistical information regarding the use of cameras and evidence gained from Police insight will be used during this evaluation. Overall responsibility for the operating of the CCTV System is the responsibility of Tendring District Council.

## PUBLIC CONFIDENCE IN THE SYSTEM

Legitimate public concerns exist over the use of CCTV and many of the specific guidelines below are designed to satisfy the community that the use of cameras are subject to adequate supervision and scrutiny. It is of fundamental importance that public confidence is maintained by fully respecting individual privacy.

## **OVERALL LIABILITY**

Whilst every effort will be made to monitor the System by the CCTV Operator, Tendring District Council will not accept liability for any occurrence which is not observed by an Operator.

*(Note: This does not create implied liability for any observed incidents. Consequent actions taken by Essex Police to reported incidents should comply with their current policies, over which Tendring District Council has no control).*

# **ACCESS TO THE CCTV CONTROL CENTRE**

## **CONTROL OF ACCESS TO CONTROL CENTRE - GENERAL**

The Control Centre includes operator workstations, a monitor wall and review suite. Access will be limited to those personnel authorised to attend the Control Centre. All persons attending, except those people with authorised access, must complete the Visitors Log.

## **CONTROL OF VISITORS**

Visitors from outside organisations must be accompanied by a member of Authorised Staff or designated member of staff who will be responsible for them at all times. It will not be the responsibility of the CCTV Operators to supervise such visits. All visitors will be required to sign the Visitors Log and undertake to abide by the implications of the Data Protection and Human Rights Acts. Visitors may be asked to leave if an incident is being monitored in order to comply with the Data Protection Act.

# **CONTROL CENTRE STRUCTURE AND SUPERVISION - GENERAL**

## **DEFINITION OF SUPERVISORY STRUCTURE AND DISCIPLINES**

Tendring District Council is responsible for the management and operation of the CCTV Control Centre. The CCTV operators and Control Centre managers are employed by Tendring District Council.

CCTV Operators should communicate with a member of the Authorised Staff if they have any questions or problems.

Members of the Authorised Staff are responsible for CCTV Operator development and staff appraisals etc.

## INCIDENT DE-BRIEFING FOR CCTV OPERATORS

Due to the systems capability to produce high quality pictures in real time, occasions may arise where the CCTV Operators witness graphic and traumatic events. It is the responsibility of the Authorised Staff to ensure that CCTV Operators, in such circumstances, attend critical debriefings and are made aware of the assistance that is available to them via Human Resources. This is mostly delivered through the Employee Assistance Program (EAP) and is available to all staff..

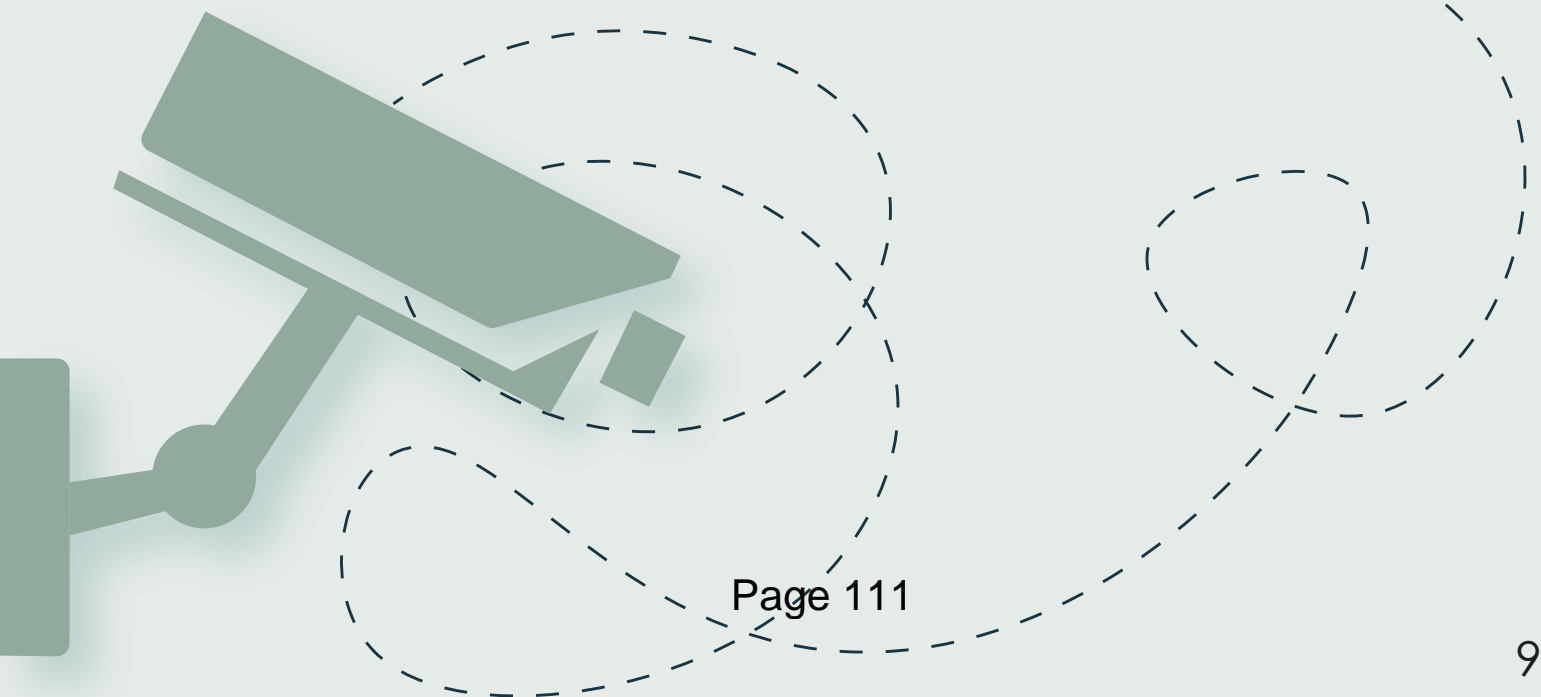
## CCTV OPERATORS RESPONSIBILITIES AND DUTIES – GENERAL

### OVERALL RESPONSIBILITY

The list given below indicates the responsibilities and duties of the CCTV Operators. This will include the definition of appropriate reactions to the camera equipment monitors. It is assumed for the purpose of this checklist that the CCTV Operator has at least attended and passed a local basic training course of CCTV operation. It is also essential to ensure that the Operator has access to this Operating Procedures manual and Codes of Practice for the Control Centre.

### CONTROL CENTRE CONDITIONS

- a) The consumption of food or drink is only permitted in the break-out area of the Control Centre, away from electronic equipment.
- b) Smoking is not permitted within the Control Centre
- c) CCTV Operators are not permitted access to the equipment room unless specifically authorised to do so by a member of Authorised Staff and even then only under exceptional circumstances.



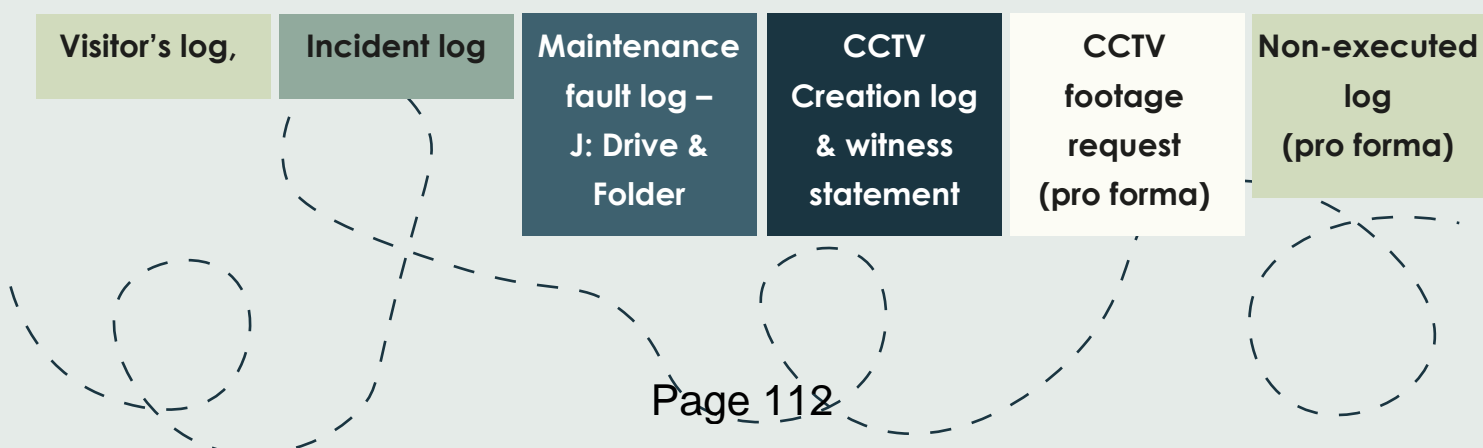
## RESPONSIBILITY OF THE CCTV OPERATOR

The CCTV operator:

- a) Must have the appropriate working knowledge and skill to operate equipment within the Control Centre for which they are responsible and ensure that such equipment is in working order at the commencement of each shift. Fault records and procedures exist on the J: drive and in the CCTV Manual.
- b) Should have an outline knowledge of other equipment in the Control Centre not associated directly with their duties.
- c) Should have a clear understanding of the system, the number and location of cameras, the areas of the Town Centre, Seafront, Car Parks, and Council owned buildings covered by the cameras and whether a particular camera is fully functional or not. They should also have an understanding of other systems, including car park management and emergency phone lines operated by the Control Centre.
- d) Have a clear understanding of the operational requirements for each camera (the purpose and scope of each camera).
- e) Must ensure that all Control Centre logs are completed in a timely manner. Incidents are to be fully described and logged as indicated below. These may be required as evidence in court and as such should not contain matters of opinion.
- f) Must be aware of civil and criminal law as it relates to the type of incidents likely to be observed by the CCTV System. In cases of doubt, the advice of a member of Authorised Staff should be sought.
- g) In the interest of Health & Safety, CCTV operators will not interfere with any equipment for which they have not received training.
- h) Any accidents that occur within the Control Centre will be reported to a member of Authorised Staff without delay and recorded in the Control Centre accident book. Normal Health & Safety rules will apply in the Control Centre.

## RECORD KEEPING ASSOCIATED WITH CONTROL CENTRE ACTIVITIES

The following logs are to be maintained by the Control Centre staff.



## INCIDENT LOG

CCTV Operators will be responsible for keeping a record of all incidents and events whilst operating the system. Once completed it is retained for evidential purposes.

The Incident log contains matters of evidential value and as such must be maintained in a true and accurate manner. It must not contain offensive or spurious comments. Extracts may be served on the defence and must include fact only and **not matters of opinion**. The log will run chronologically and must not have delayed entries made without comment. It is important that in all cases, the description recorded in a log of a suspect is that of the "first given". Any inaccuracies may prejudice the court case later. (Criminal Procedures and Investigation Act (CPIA)).

In the event that a discrepancy is found on any of the system clocks the CCTV Operator will notify a member of Authorised Staff for advice. Discrepancies and action taken will be entered in the Incident Log or, if it is established that a fault has occurred, in the Maintenance Fault Log.

## VIEWING

CCTV Operators will ensure that all persons using the review facility complete either the CCTV Creation Log or the Non-executed Log. Completed logs will be retained in secure storage. Only those staff with a valid reason to view data will do so (Data Protection Act 7th Principle).

## COPYING

Any authorised person requiring a hard copy of an image or photograph must complete a CCTV Proforma. Under no circumstances will copies be made or photographs produced without this form being completed satisfactorily. The authorised person should state clearly the reason for such a request, the appropriate information for the Operator to locate the relevant portion of the media or stored image and any other information to assist the CCTV Operator to produce copies. Without such information, the request may be refused. Only essential requests will be processed.

## MAINTENANCE AND FAULT LOG

When a fault is identified on the system, it is to be reported to the maintenance contractor immediately. The maintenance contractor is required to complete the repair within specified times following the report and it is important that the performance targets are not lengthened unnecessarily.

Following completion of a repair, the Contractor's engineer will demonstrate the satisfactory completion of the repair and mark the job as completed on the CCTV Fault log.

*In all cases a notice must be displayed in the monitoring area that engineers are at work on the system. This is a Health & Safety requirement.*

**The current CCTV Maintenance and repair contractor is:**

**Tendring Telecoms & Security Systems**

**11 Crusader Business Park**

**Stephenson Road West**

**Clacton-on-Sea**

**Essex**

**CO15 4TN01255 423345**

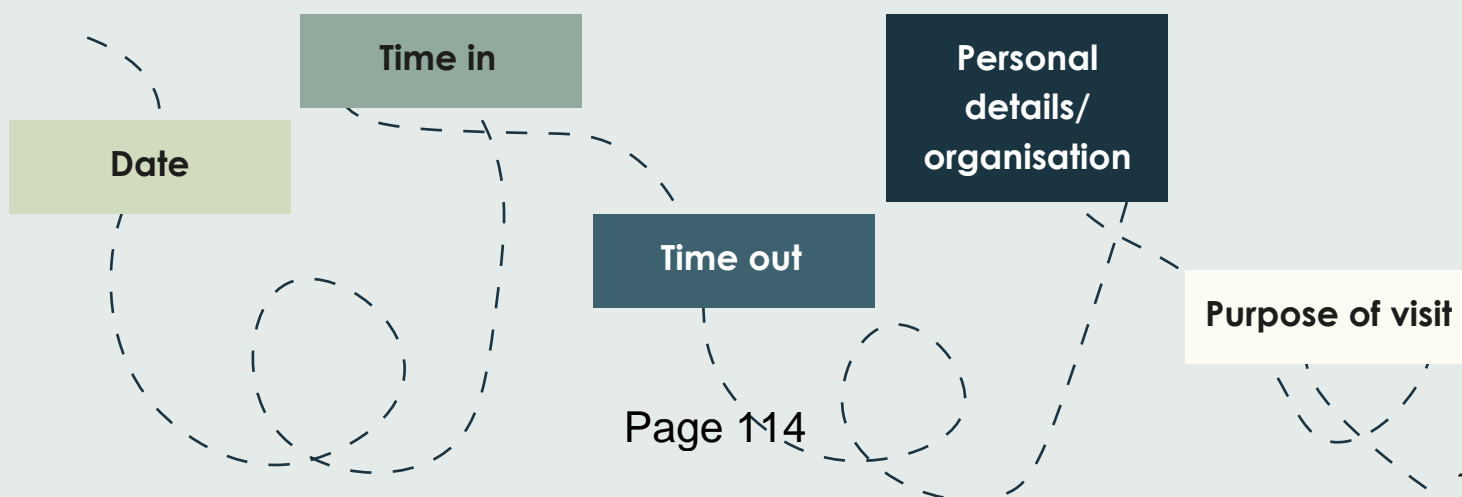
**info@ttss.org.uk**

## INCIDENT LOG - HANDOVER

The purpose of this is to advise operators on the following shift of on-going incidents and other matters of interest. All ongoing incidents should be passed to the next shift.

## VISITORS LOG – CONTROL CENTRE

All visitors to the Control Centre will be required to complete their details in the Visitors Log. This log will contain the following details:-





## **TRAINING OF CCTV OPERATORS**

Staff operating the system will not be allowed to do so until they have received training on how the system works. *They will be required to take and pass an assessment test of their ability and knowledge of the system, including the Codes of Practice and Operating Procedures.*

The integrity of the system and any subsequent evidence may be compromised if these standards are not met. (This training will take place after they commence employment).

When new or updated equipment is installed in the Control Centre, operators are to be trained in its operation and use by the installers.

## **MONITORING THE CAMERAS – CONTROL CENTRE**

The Control Centre is operational 24 hours per day, every day of the year. A minimum of two Operators are to be on duty at any time.

The basic functions of the Control Centre Operator are to operate the CCTV, Careline and out-of-hours systems connected to the Control Centre. This includes: the CCTV cameras, car park access gates and Council out-of-hours telephone. Off-going CCTV Operators will ensure that they fully brief any on-coming Operators as to any noteworthy or ongoing incidents for that day.

CCTV Operators will have to perform a number of functions other than surveillance and Operators will not be expected to sit at the workstation constantly throughout their shift.

A general health and safety recommendation is that the Operator's do not view screens for continuous periods. Operators receive a 15 minute break during their shift. They should remain available to respond when an incident occurs or respond to the telephone.

If two Operators are on duty, they must ensure that one Operator is present in the Control Centre at all times.

When monitoring the cameras, CCTV Operators will be expected to take the lead role in their use. They should be familiar with all the streets and areas covered including likely areas of criminal activity and known trouble spots. They should maintain a working relationship with the Police Officers patrolling the streets as and in addition, it will be essential to maintain contact with other staff together with any other agencies involved in a particular incident.

In the event of a major incident or authorised pre-planned operation and any other agreed condition as long as it is in accordance with the scheme aims, the police may take control of the Control Centre. Assignment of control of the system may be requested only by a Police Officer of the rank of Chief Inspector or higher and granted by a member of Authorised Staff.

When appropriate, liaison with the local police, in particular, the Police town centre Neighbourhood team should be made to improve the CCTV Operators' knowledge of local known criminals.

## **MONITORING THE CAMERAS – STAND-ALONE SYSTEMS**

These cameras are generally not monitored in real time. Typically they will only be used when staff become aware of an incident in progress, or after it an incident has happened for review purposes.

## **USE OF PERSONAL DATA FROM ESSEX POLICE**

Under Data Protection Act legislation Essex Police has an obligation to ensure that both Essex Police and Tendring District Council staff treat 'Police owned' personal data appropriately.

From time to time Essex Police may share information of a personal nature with Control Centre staff (photos, name, description etc.). This data is to be treated under GDPR rules and regulations. It should not be shared outside of the Control Centre. All data should be destroyed when any investigations are concluded.

## **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

From time to time, the Police or other statutory investigating agency will make a request to view certain areas or people in order to carry out targeted surveillance. Where this request is for pre-planned operation, CCTV Operators must ensure that the required authority authorising surveillance under the Regulation of Investigatory Powers Act (RIPA) has been granted and that the front page of the authority is issued to the Council showing the extent of the authority.

It is essential that CCTV Operators are aware of this requirement and as such forms part of the training package. Generally it is the Police that request such surveillance but other investigative agencies could make use of the CCTV system (e.g. Customs & Excise, other Government Departments). Only agencies with prosecution powers may be permitted to use the CCTV System in accordance with the Codes of Practice.

*RIPA forms exist for Tendring District Council 'in house' pre planned operations (Trading Standards etc.) and CCTV Operators should ensure they have been authorised before surveillance commences. Authorisation is not required if the surveillance required is an immediate response to events found by normal patrolling, either by Police Officers, store Security Officers or by CCTV Operators.*

## **ACTION WHEN A CCTV OPERATOR OBSERVES AN INCIDENT OR IS INFORMED OF AN INCIDENT.**

When a CCTV Operator observes an incident they should try to obtain the best available pictures of the area concerned. This should be done by using adjacent cameras to view the relevant target area. It may be appropriate for a second camera Operator to take over any other incidents allowing the main Operator to concentrate on the current incident. Any incident viewed on the 'spot' monitor is displayed on the Police monitor in Clacton Police Station. It may be appropriate that the Police then assume control of that or any other camera, albeit with the concurrence of the Control Centre Operator.

The CCTV Operator should continue to monitor activity with the aim of producing the best available pictures. This will include zooming in to record close up facial images and registration numbers of vehicles. The Operators must at this point work closely with the Police and if necessary, assist with advice on deployment of Police Officers to the incident location.

It may be necessary for the CCTV Operator to speak directly to outside staff and give directions. This should be done in conjunction with the Police dispatcher. The CCTV Operator will continue to monitor the Police Officer and subject on camera for as long as possible, this being particularly important when an arrest is made. This enhances Police Officer safety and obtains the best evidential pictures for the court.

The responsibility for the overall control of any incident remains with the Police Officers at the scene. When an incident has finished the Incident Log must be completed with all relevant facts as previously described.

## **ACTION WHEN THE ALARM INTERFACE ACTIVATES**

The systems do not have an alarm interface.

## **ACTION WHEN ANPR (AUTOMATIC NUMBER PLATE RECOGNITION) ALARM ACTIVATES**

Data from the Police ANPR cameras are not received by the CCTV Control Centre. Currently there are no ANPR cameras on the CCTV system

## **ACTION WHEN FACIAL RECOGNITION ALARM ACTIVATES**

There is no Facial Recognition software nor alarms connected to the CCTV system.

## **ACTION – SLOW TIME (CONTROL CENTRE)**

There will be many occasions when no incidents or suspicious activity is seen on camera. At such times, the CCTV Operator should use the opportunity to patrol the area in an attempt to prevent and detect crime and increase the general feeling of safety. This may also involve the use of pre-set facilities and also the sequencing facility that will set the cameras into an automatic patrol.

The CCTV Operator should be aware that the CCTV Control Centre functions extend beyond crime fighting and on occasions the cameras will be queried to assist the public e.g. looking for lost children, wandering adults with dementia etc. These functions, although not primary functions, assist with the credibility of the CCTV system.

There may be other uses for the CCTV made in agreement with the other agencies and by way of local agreement. They will at all times be in accordance with the Code of Practice. The CCTV System enables Police to view a slave monitor positioned at Clacton Police Station. The Code of Practice applies to this location in respect of access to viewing and recording. It is a legal requirement under the Data Protection Act 1998 that access to these images is controlled accordingly.



## **USE OF THE SYSTEM BY OUTSIDE AGENCIES**

In all cases the use of the CCTV system must comply with the Tendring District Council CCTV Code of Practice and all statutory regulations including the Data Protection Act, Human Rights Act, Regulation of Investigatory Powers Act and Protection of Freedoms Act.

Only agencies with prosecution powers may be permitted to use the system in accordance with the Codes of Practice. As a rule, use of the systems by external agencies is to be pre-arranged. In cases where an immediate need is apparent, permission should be sought and granted by a member of Authorised Staff. She/he will make a judgment based on the intended use by the particular agency concerned. Tendring District Council employees will retain operation and control of the Control Centre systems but with the direction of the external agency.

## **COMPLAINTS PROCEDURE**

Complaints about the service are to be made following the Council's existing complaints procedure, see Council website

<http://www.tendringdc.gov.uk/council/consultation-contact-and-complaints/how-complain>

## **CRIME INVESTIGATION AND PROSECUTION PROCEDURES**

Action to be taken relating to crime investigations and prosecution with regard to data recordings and statements for use as information and evidence relating to a specific incident.

## **POST-INCIDENT VIEWING OF RECORDED IMAGES**

After an incident has taken place a Police Officer may wish to view the recorded data to establish if relevant material exists. If no evidential material is found, then the reviewed material on the DVR or other appropriate media must be dealt with in accordance with Criminal Proceedings and Investigation Act (CPIA). Under normal operating conditions, the digital images will be retained for 30 days before being automatically deleted. It is essential therefore that a Police Officer reviews recorded images within that period otherwise evidential material will be lost.

A review station is located in the Control Centre and at other stand-alone sites for use by the Control Centre staff and other authorised agencies to review and download images, but this must only be carried out under the supervision of the Control Centre staff.

Police. - Appointments may be made with the CCTV Control Centre staff (or authorised staff at the stand-alone sites) before attending to conduct a review. Due to the technical nature of the equipment CCTV Operators may assist Police Officers with the review but will not carry out lengthy searches for them. Operators may need to interrogate the system on behalf of the investigating police officer, but lengthy and time consuming sessions will be the responsibility of the Police officer and they should set aside sufficient time to do so.

## **RECORDINGS**

All cameras are recorded and images retained for 30 days. *Following an incident the CCTV Operator will ensure that the Police are notified at an early opportunity. It may be necessary for Police Officers to view this material prior to starting interviews etc. and they should request to do so as soon as they become aware of the material being available. It is vital that the Incident Log contains sufficient details of the incident to link up the data stored. The Log should indicate that footage exists.*

## **HARD COPY OR PHOTO IMAGES**

This system has the ability to produce hard copy or video stills from recorded images. These photographic images are data in the same way as video images and must be controlled in the same way. A full record of photographs or prints produced by the CCTV System must be maintained. Where photographs or prints are removed from the Control Centre, full details must be recorded in the Viewing and Copying Log.

## **STATEMENTS**

Section 72(1) Police and Criminal Evidence Act 1984 holds that a statement has the same meaning as in part 1 of the Civil Evidence Act 1968. Section 10 of that act holds that a 'statement' includes any representation of fact whether made in words or otherwise and includes film, negative, tape or other device by which visual images may be produced. An (evidential) digital recording must therefore be regarded as a document within the terms of the Police and Criminal Evidence Act 1984.

In any court proceedings the evidence of witnesses must be prepared as if video evidence does not exist and therefore be complete and descriptive. The video images will be produced as evidence having been exhibited as with any other form of documentary exhibit. In effect this means that statements may be taken from CCTV Operators detailing what was seen of an event as if the Operator was present at the scene. On occasion, statements may also be required to prove the integrity and audit trail of the data.

## **CRIMINAL PROCEDURES AND INVESTIGATIONS ACT 1996 (CPIA)**

A resume of the CPIA as far as it may be applicable to the gathering, recording and retention of evidence by CCTV systems is attached as Appendix A. It is imperative that CCTV Operators comply strictly with the Act at all times.

### **VIEWING AND COPYING PROCEDURES/VIEWING RECORDED IMAGES**

In a recent court case, it was directed that Police Officers must view evidence of recorded images and provide continuity, and not solely the CCTV Operator. This process must be followed in order not to step outside of these guidelines and rules of evidence.

### **REVIEW OF RECORDED IMAGES**

It will be the responsibility of the Officer in charge (OIC) to enquire with the CCTV Operator whether evidence is available or not. The Operator may assist the Police Officer in the operation of the viewing equipment but will not be expected to view the images on their behalf for long periods of time. In some circumstances the Operators may view the images and inform the Police Officers of the validity of evidence available, the Police Officer will then be invited to view the images themselves. If the request is for long periods of time, then Police Officers will be invited to do the initial viewing themselves. A Viewing Suite is available at the Control Centre. All viewing must be carried out in connection with the aims of the CCTV system. In addition the review equipment may be used for training and demonstration purposes. This data is confidential material and the Data Protection Act applies.

### **DIGITAL STORAGE SYSTEM**

Police Officers should note that the type of recording available is in digital format. In order to secure evidence, Police Officers should apply to a member of Authorised Staff or a CCTV Operator for either:

```
graph LR; A[Viewing of footage] --> B[Copies of the above]; B --> C[Video stills from the above];
```

**Viewing of footage**

**Copies of the above**

**Video stills from the above**

Once evidence has been identified, it will be copied to recordable media – Digital versatile Disk (DVD), USB Drive, or Hard Disk Drive (HDD) and handed to the officer. The Viewing and Copying Log must be clearly identified as such. The Viewing and Copying Log will be fully completed at the time of copying. It is not necessary to make additional copies for storage at the CCTV Control Centre.

## **CCTV OPERATING PROCEDURES**

The Chief Executive of Tendring District Council is the Data Controller for the purposes of the Data Protection Act 2018 and the Council retains copyright of all recorded images leaving the Control Centre and other stand-alone sites. However once an image has been disclosed to another body, such as the police, the recipient becomes responsible for that image. It is the recipient's responsibility to comply with any other legal obligations such as the General Data Protection Regulation (GDPR) in relation to further disclosures. This ensures that copies which may be handed lawfully to Solicitors, are not used in the media without due regard to the ownership. Essex Police is entitled to make further copies of images in their possession and obtained from the CCTV System in pursuit of lawful investigation and in accordance with prevailing legislation. If further copies of the images are required, then they will be made in accordance with local Essex Police procedure but from the disclosed images, the DVD or other. Generally further copies will be produced by Essex Police themselves in accordance with its procedures and in compliance with Copyright terms.

Note - it is acceptable to copy more than one event into a single working copy for ease of viewing. Generally, it is best to create a composite recording with footage in a chronological manner, which has been shown to assist the courts with presentation of evidence. For copying, it is recommended that the operator record at least 2 minutes before and after the relevant footage to show no tampering has been carried out with the images. The copies will require statements to prove a fully documented audit trail, as well as helping to prove their integrity. Police Officers are not to remove any of the recordings from the CCTV Control Centre or other stand-alone sites without authority from a member of Authorised Staff or CCTV Operator.

Tendring District Council will rely on Primary, Alternate, Contingency and Emergency (PACE) Code of Practice 'B' para 6.5 where any request is made to seize the DVR Hard Drive. (Where an Officer considers that a computer may contain information, which could be used as evidence, he may require the information to be produced in a form, which can be taken away and in which it is visible and legible).

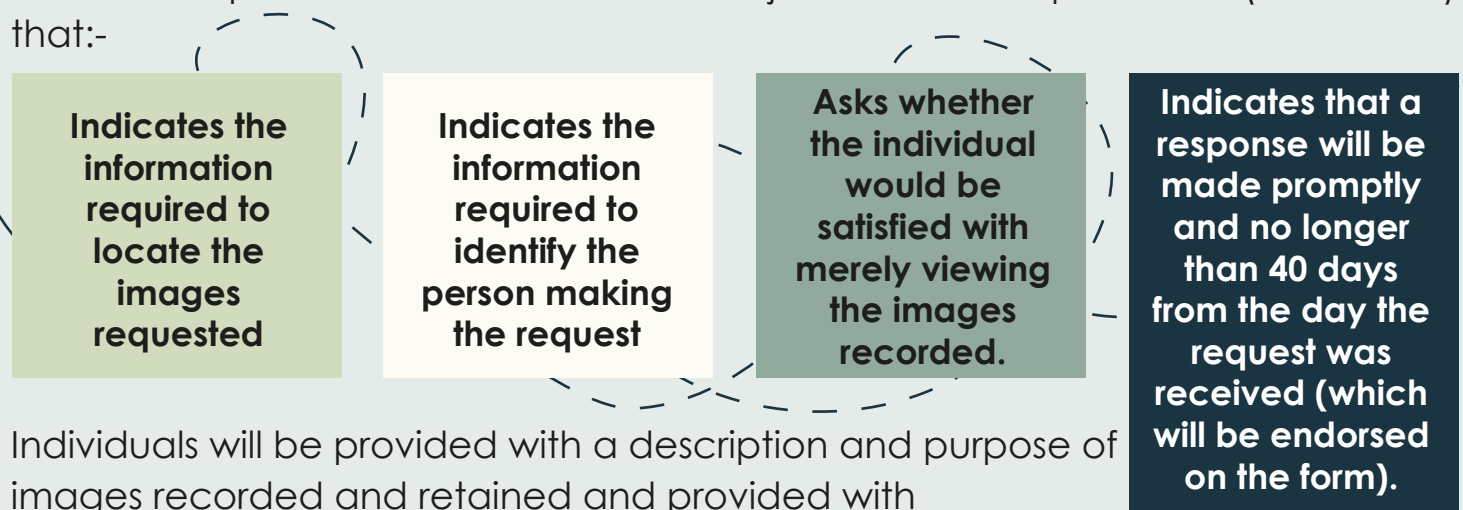


## VIDEO STILL COPY - PROCEDURES

Use of the video printer or other hard copy equipment to produce video stills (photographic prints) shall be restricted to occasions when such prints will assist in fulfilling the objectives of the CCTV system, particularly in aiding identification of persons. Use in training and for demonstration is accepted. A log will be maintained regardless of the reason for which the prints were taken. This is incorporated in the CCTV Creation log. The person removing will sign the log to acknowledge receipt of and responsibility for the print. A print can only be removed from the CCTV Control Centre by a Police Officer or member of a statutory investigation agency. In all cases Tendring District Council retains Copyright © on these prints as detailed above. Given the importance of video evidence, great care should be taken to comply with all requirements of this aspect of digital tape management. Any shortcomings will also bring into question the credibility of the overall CCTV System.

## ACCESS BY DATA SUBJECTS – SUBJECT ACCESS REQUESTS (SARS)

All staff must be able to recognise a request for access to recorded images by data subjects, (sixth and seventh Data Protection principle). Data subject requests mostly come via the single gateway approach into the Corporate Team and are then forwarded to the Information Governance and IT Manager to process. All SARs will be provided with a Standard Subject Access Request Form (Form SARF) that:-



Individuals will be provided with a description and purpose of images recorded and retained and provided with information about the disclosure policy in relation to those images (sixth Data Protection principle). When an agreement has been made to release the data, a member of Authorised Staff or designated member of staff may deal with the subject access request. As part of the Data Subject Access process, checks will be made with the appropriate authorities to ensure that any disclosure would not prejudice the prevention/detection of crime, apprehension/prosecution of offenders. Where the individual is seeking access to 'Essex Police owned' data or data which could be considered jointly owned then Tendring District Council should liaise with the Subject Access Administrator, Essex Police Headquarters.

## **FREEDOM OF INFORMATION REQUESTS**

The Freedom of Information Act 2000 ("the FOIA") gives the public extensive rights of access to information held by the Council. FOIA requests are to be made via the online form on the Council's website, see <https://www.tendringdc.gov.uk/council/your-right-know/data-protection-privacy-notice-and-cookies/freedom-information-and-eir>

All requests must be dealt with in accordance with the procedure and must not be dealt with directly by the Control Centre. Any requests received by the Control Centre are to be forwarded immediately to the Council's Information Governance and IT Manager.

## **RECORDED IMAGES MANAGEMENT**

### **RETENTION POLICY**

All downloaded (burnt) images and written records that may be relevant to an investigation must be retained for 6 months.

### **EMERGENCY PROCEDURES**

If the need arises to evacuate the Control Centre or other stand-alone site by virtue of a security alert or fire alarm, all staff will act in accordance with local instructions.

If possible but without risking the safety of any member of staff, the Control Centre or stand-alone site should be secured on leaving. Any operations or procedures under way at the time of evacuation should be abandoned.

On returning to the Control Centre or stand-alone site all systems should be checked to ensure they are in full working order. An appropriate entry should be made in the Incident Log noting relevant times, alarm type and action taken.

### **IDENTIFICATION PROCEDURES USING RECORDED IMAGES PACE CODES OF PRACTICE**

The overriding principle governing all identification procedures is that Police Officers must comply with the Police and Criminal Evidence Act 1984 and associated Codes of Practice, (Particularly Code D and relevant annexes).

## **INTEGRITY OF STORAGE OF RECORDED IMAGES**

Where recorded evidence is available, the protection of that evidence is of paramount importance. Data security must comply with these operating procedures at all times. If for any reason a data medium cannot be processed accordingly a member of Authorised Staff must be informed without delay.

## **ACCEPTABLE VIEWING OF IMAGES**

An investigating Officer may show a video images or photographs (video stills) of an incident to the public using the local or national media to assist in the recognition and tracing of suspects. The PACE Code of Practice sets out the guidelines in this area.

## **IDENTIFICATION WHERE A SUSPECT IS NOT KNOWN AND THE INCIDENT FILMED.**

Referring to the cases of R v Jones, it is considered permissible to show images that may contain the incident even though it has been obtained several days or weeks after the incident. Refer to PACE Codes of Practice, Code D, Para 2.21a which states. 'Nothing in this code inhibits an investigating officer from showing a video film of an incident to the public at large through the national, or local media, or to Police Officers, for the purposes of recognition and tracing suspects. However when such material is shown to potential witnesses (including Police Officers) for the purpose of obtaining evidence, it shall be shown on an individual basis so as to avoid any possibility of collusion, and the showing shall, as far as possible, follow the principles of Video Film Identification (Para 2.10) or Identification by Photographs (Para 2.18)

## **SHOWING RECORDED IMAGES TO A SUSPECT**

It is considered permissible to show recorded images to a suspect if this would assist the investigation. In many cases, the evidence recorded will support the prosecution case and shorten the amount of enquiries required.

# **DEVELOPMENT OF CCTV SYSTEM**

## **THE CCTV SYSTEM DEVELOPMENT – ENVIRONMENTAL**

The CCTV System will continue to develop according to the needs of the Local Authority and any Partnerships, taking into account the environmental issues affecting it e.g. buildings and street furniture obscuring cameras etc.

## CCTV SYSTEM DEVELOPMENT – TECHNICAL

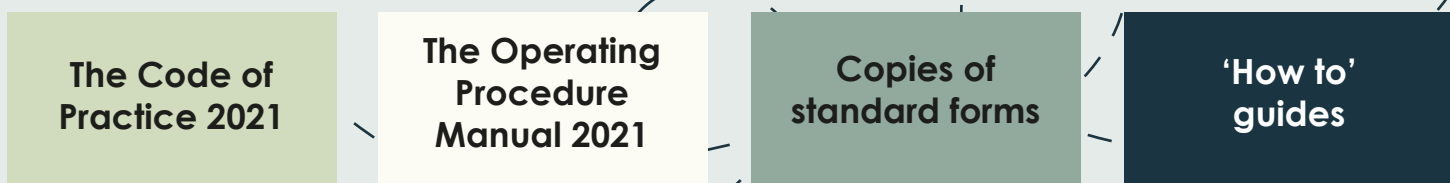
The CCTV System may be enhanced in the future by the supply of additional cameras or facilities according to needs identified by the Local Authority or any Partners. Improvements and additions may take place taking into account technological advancement.

## CCTV BEST VALUE

The CCTV system will be regularly reviewed and upgraded where budgets allow, taking into consideration 'best value' in terms of detection, prevention and prosecution of crime.

A representative from the CCTV Control Centre will regularly attend the Community Safety Partnership Group meetings and other relevant groups (such as PubWatch) in order to understand the needs to the local business community.

## CCTV OPERATORS RESOURCES



## UPDATING CCTV OPERATING PROCEDURES MANUAL

These operating procedures are subject to continuous update. A breach of any aspect of this Operating Manual or the Code of Practice may involve disciplinary action in accordance with Tendring District Council 'Formal Discipline Code' and may result in dismissal, which may not be preceded by a warning.

# APPENDIX A

## THE CRIMINAL PROCEDURES AND INVESTIGATIONS ACT 1996 (CPIA)

CPIA came into effect on 1st April 1997 and introduced a statutory framework for the disclosure to defendants of material, which the prosecution would not intend to use in the presentation of its own case, (known as unused material).

The Act introduced some changes, which will have an impact upon how investigating Police Officers gather and deal with potential evidence which, in turn will almost certainly impact on CCTV systems. The three key words are **Record, Retain, Reveal**. The first two will have a bearing on CCTV systems and procedures need to be in place to ensure compliance with the requirements of this Act.

## RECORD

### WHEN AND HOW SHOULD MATERIAL BE RECORDED?

*“Information should be recorded at the time it is obtained or as soon as practicable after that. Material should be recorded in a durable or retrievable form .....*”.

## RETAIN

### WHAT MATERIAL SHOULD BE RETAINED?

*“All material, including information (which would include that recorded by way of video tapes / digital storage system) and objects, which is **obtained in the course of a criminal investigation and which may be relevant to the investigation**”.*

### WHAT IS THE TEST FOR RELEVANCE?

*“Material **may be relevant to the investigation** if it appears to have some bearing on any offence under investigation or any person being investigated, or to the surrounding circumstances of the case **unless it is incapable of having any impact on the case**”*

## REVEAL

Responsibility for the revelation of material rests with the Disclosure Officer, who may also be the Investigating Officer.

## THE TEST FOR DISCLOSURE

*“.....any prosecution material which has not previously been disclosed to the accused and which in the prosecutor’s **opinion might undermine the prosecution against the accused**”*

## RESPONSIBILITIES

In conducting an investigation, the investigator should pursue all reasonable lines of enquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the particular circumstances. There is now an onus upon the investigator to ensure that all potential evidence is retained. In view of the requirement to record information at the time it is obtained or as soon as is practicable afterwards in a durable and retrievable form CCTV Operators are likely to find themselves making more written records than prior to the introduction of the Act. This is especially relevant to the description of people, vehicles and events. Any written records are likely to become disclosable. This is particularly important when suspect descriptions are recorded in the Operator Log, as this is likely to be the place where these descriptions are recorded in the Operator Log, as this is likely to be the place where these descriptions are FIRST recorded. (The defence are entitled to this as a matter of routine). Any request from a Police Officer to conduct a search for an event or suspect which produces a negative result in the sense that these items were not found, may still be relevant to the defendant at a later stage of the enquiry. For this reason a copy of the searched data should be recorded to whatever format the Police Officer requires.

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<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

**23 APRIL 2021**

### REPORT OF THE PORTFOLIO HOLDER FOR PARTNERSHIPS

**A.5 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: ALLOTMENTS, WIVENHOE ROAD, ALRESFORD, COLCHESTER, ESSEX CO7 8AQ**

(Report prepared by Andy White and Gill Burden)

#### **PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
<p>To determine whether the allotments Wivenhoe Road Alresford meet the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following their nomination as an Asset of Community Value by Alresford Parish Council. No other criteria are pertinent.</p>

<b>EXECUTIVE SUMMARY</b>
<p>A valid nomination to register an asset of community value has been received for the allotments as shown identified in the plan included within Appendix A.</p> <p>If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.</p> <p>The Government’s non statutory guidance defines an asset of community value as: “Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”. The Report provides an assessment of the nomination.</p> <p>The Cabinet should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.</p> <p>Taking the evidence provided into account it is recommended that the land nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly it is recommended that the criteria are met and that the land should be listed as an Asset of Community Value.</p>

<b>RECOMMENDATION(S)</b>
<p><b>That Cabinet determines that the allotments at Wivenhoe Road, Alresford, COLCHESTER, Essex CO7 8AQ meet the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and that the asset be added to the Council’s list of Assets of Community Value.</b></p>

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of Council priorities.

### FINANCE, OTHER RESOURCES AND RISK

#### Finance and other resources

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation.

#### Risk

The nominating body are the current occupiers of the allotment site with a lease granted from Tendring District Council which runs until February 2025. There is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

### LEGAL

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:

- (1) A building or other land in a local authority's area is land of community value if in the opinion of the authority —
- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
  - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.

The Assets of Community Value (England) Regulations 2012 ("the Regulations") provide procedural detail to give effect to the assets of community value scheme. An earlier report on this subject set out a proposed procedure for dealing with the nomination of Assets of Community Value in accordance with the Regulations and Officers have adhered to the procedure and it is now proposed that Cabinet considers the nomination in accordance with the procedure.



## OTHER IMPLICATIONS

Relevant Ward = Alresford and Elmstead Market

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and
- (b) that there can continue to be a non-ancillary use, which will further the social well-being or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);
- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups,
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The table below, based on guidance produced by the Public Law Partnership sets out an overview of what the Act and Regulations intend to constitute as an Asset of Community Value”.

The Act intends to apply to Land and Buildings Where:

1. The main use of the land or building **furtheres the social wellbeing or social interests of the local community** at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;
2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community some years ago** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

In their Guidance Public Law Partnership provide some helpful interpretation of these terms:

“This could apply to a broader set of activities and not just cultural, recreational and sport interests as provided by the Act. Working with local communities it could include: any land or building where the main purpose is for the provision of public services for education, health and wellbeing or community safety e.g. nurseries, schools, children’s centres, health centres, surgeries, hospitals, day care centres, and residential care homes. Sport, recreation & culture e.g. parks and open green spaces, sports and leisure centres, libraries, theatres, museums and heritage sites, cinemas, swimming pools. Community services e.g. community centres, youth centres, and public toilets. Any economic use which also provides important local social benefits e.g. village shops, pubs, markets.

“What does it mean “realistic to think that this can continue into the near future”? For the use which is **currently ongoing**, the working assumption should be that the present use can continue into the future, unless the local authority is able to identify evidence that is unlikely to be the case. In other words where the asset is presently in social use there should be a **presumption of continued viability**, unless clear evidence suggests otherwise. For a **social use which has lapsed** and needs to be re-established the local authority will need to take a view on the realism of re-establishing this. A new approach can help to re-establish services that were previously not viable.

## **CURRENT POSITION**

The Nomination Form has been submitted by Alresford Parish Council (attached at Appendix A), and contains at B4 and B5 reasons why the nominators consider that the land is of community value and how the land could be acquired and used in the future.

The nomination states that the allotments provide a social space for residents to grow their own vegetables/fruit as well as benefitting their individual mental health and social wellbeing.

In accordance with the Regulations the landowner (TDC) has been notified and been given a period of time to make representation.

It is recommended that the land does meet the criteria set out in Section 88 (2) (a) of the Act:

*there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community*

The Nomination request is being sought with the stated intention of continuing the current use and activities which further the social wellbeing and interests of the local community.

Taking the above into account it is recommended that the matter for consideration is whether the building nominated does meet the criteria set out in Section 88 (2) (b) of the Localism Act 2011, specifically:

*it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.*

## **BACKGROUND PAPERS FOR THE DECISION**

Non-statutory advice note for local authorities produced by DCLG Community Right to Bid – October 2012

## **APPENDICES**

Appendix A – Nomination Form (Redacted)

**LOCALISM ACT 2011**  
**THE COMMUNITY RIGHT TO BID**  
**NOMINATION FORM**

**A: You and your organisation**

Your Name <b>Redacted</b>
Your Organisation (full official name) Alresford Parish Council
Your position in the organisation Parish Clerk & Proper Officer
Organisation address (including postcode) The Pavilion Ford Lane Alresford Essex CO7 8AT
Daytime telephone no. 01206 615117
Email address <a href="mailto:alresfordpc@outlook.com">alresfordpc@outlook.com</a>
How and when can we contact you?*
Via email – anytime Via telephone – Tuesday/Wednesday/Thursday 9.30am-2.30pm

\*other correspondence address or preferred way or time for us to contact you

**Type of organisation**

Description	Put a cross <b>X</b> against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

Unincorporated bodies only:

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Tendring District or an adjoining authority. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Tendring, please confirm which area that is.

**N/A**

**Local connection**

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Tendring District Council or a neighbouring local authority. Please explain what your organisation's local connection is.

**The connection is that we are the parish council for the village of Alresford, Essex.**

**A6 Distribution of surplus funds (certain types of organisation only)**

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Tendring or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

**N/A**

**A7 More about your organisation**

What are the main aims and activities of your organisation?

**AIMS**

- To provide effective, efficient, and accountable local government for the parish, enabling residents to be involved in the life of the community and its future development.
- To be a strong voice for residents and local businesses, working to improve the overall village area both built and natural, while preserving the uniqueness of heritage areas

**OBJECTIVES**

- To understand and communicate the views, needs and aspirations of residents and businesses to statutory and non-governmental bodies as required
- Increase public involvement in the community through ensuring the parish council and its activities are open, transparent, and accountable to residents.
- Support local business and economic activity in the village
- Work with the District Council to provide safe, healthy, and timely opportunities for recreation, leisure, and education, and to provide, improve and maintain play equipment, allotments, and public recreation spaces
- To support the work of village voluntary organizations through grants and practical support
- Respond to planning applications and other statutory consultations on time, ensuring that recommendations made to the District Council adhere to the village plan, any statutory regulations, and the interests of the community.
- Promote, within our community, activities which support the principles of environmental sustainability and an ethical society, working with residents to keep public places clean and safe.
- Ensure that Councillors and Staff have access to high quality training and development opportunities and that they meet all required standards, for example working towards achieving Parish “General Power of Competence” status

<b>Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is</b>	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	X

**Part B: About the land or building(s) you are nominating**

**B1 Description and address**

What it is (eg. pub, local shop) Allotments
Name of premises (eg. Royal Oak / Littletown stores) Wivenhoe Road Allotments
Address including postcode (if known) Wivenhoe Road, Alresford, Essex, CO7 8AQ

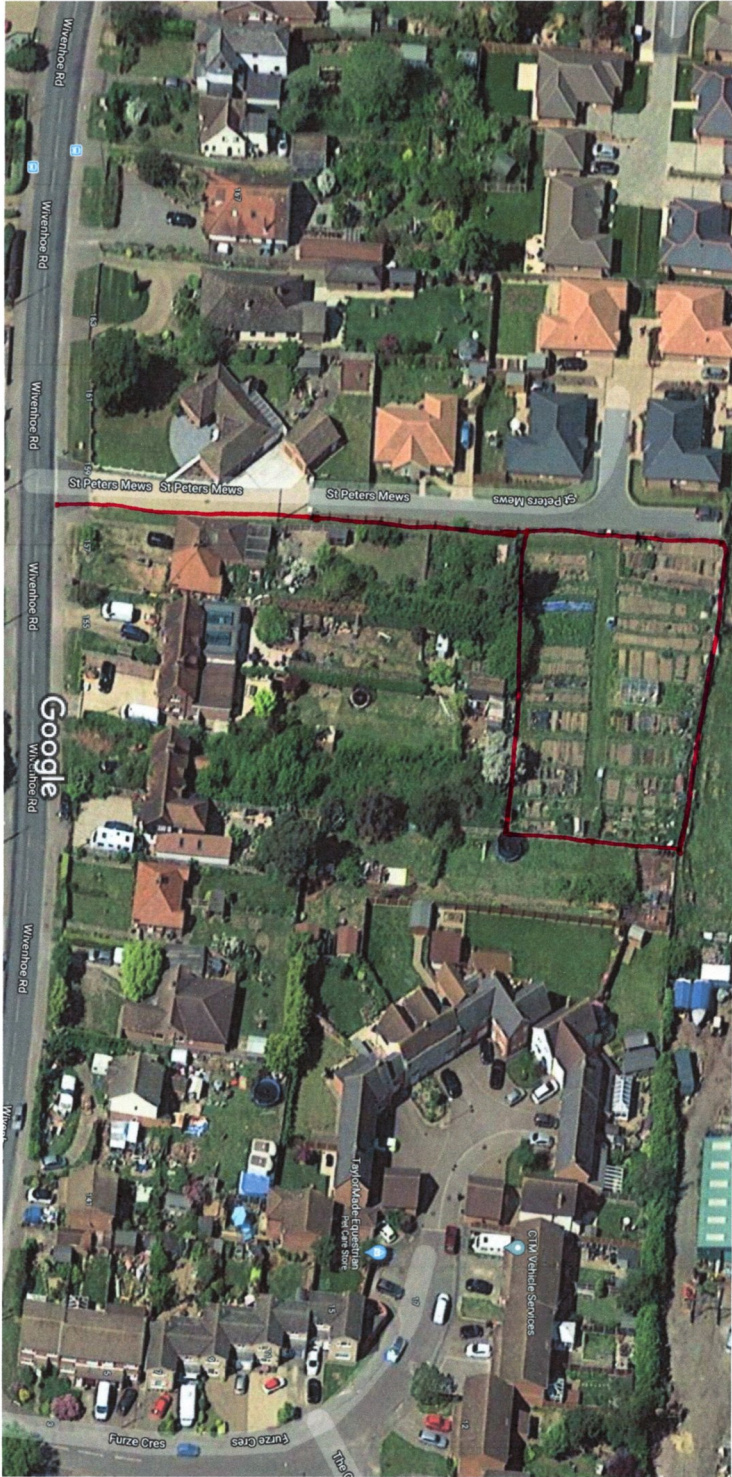
**B2 Sketch plan**

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

**See below picture for details. There are 3 sheds on site and 1 polytunnel (removable structures). There are currently 18 allotment plots on this land.**





— = Allotment access + boundary.

Imagery ©2021 Bluesky, CNES / Airbus, Getmapping plc, Intoterra Ltd & Bluesky, Maxar Technologies, Map data ©2021 10 m

**B3 Owners and others with an interest in the building or land**

*You should supply the following information, if possible. If any information is not known to you, please say so.*

	<b>Name(s)</b>	<b>Address(es)</b>
Names of all current occupants of the land	Tendring District Council	Town Hall, Station Road, Clacton-On-Sea, Essex, CO15 1SE
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Tendring District Council	Town Hall, Station Road, Clacton-On-Sea, Essex, CO15 1SE
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	Alresford Parish Council	The Pavilion, Ford Lane, Alresford, Essex, CO7 8AT

**B4 Why you think the building or land is of community value**

*Note that the following are not able to be assets of community value:-*

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests\* of the local community, or has it done so in the recent past? If so, how?

**Yes it does. The allotments provide a social space for residents to grow their own vegetables/fruit, as well as benefiting their individual mental health and social wellbeing which is so important especially in these current times.**

Could it in future further the social wellbeing or social interests\* of the local community? If so, how? (This could be different from its current or past use.)

**For as long as we hold the lease it will provide social wellbeing and a social interest for those who use it.**

*\*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

**B5 How could the building or land be acquired and used in future?**

*If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.*

**The parish council have access to many different funding streams and would be able to apply for grant funding to help with the purchase.**

## Section C: Submitting this nomination

### C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

### C2 Signature

*By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.*

Signature REDACTED
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