



CABINET

DATE:	Friday, 4 November 2022
TIME:	10.30 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:	
Councillor N Stock OBE	- Leader of the Council
Councillor J Bray	- Planning Portfolio Holder
Councillor C Guglielmi	- Deputy Leader of the Council; Corporate Finance and Governance Portfolio Holder
Councillor P Honeywood	- Housing Portfolio Holder
Councillor L McWilliams	- Partnerships Portfolio Holder
Councillor M Newton	- Business & Economic Growth Portfolio Holder
Councillor A Porter	- Leisure & Tourism Portfolio Holder
Councillor M Talbot	- Environment & Public Space Portfolio Holder

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DATE OF PUBLICATION: THURSDAY, 27 OCTOBER 2022

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 - 12)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 7 October 2022.

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

7 **Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.1 - Conservation Area Character Appraisal and Management Plans for Great Oakley and Kirby-Le-Soken (Pages 13 - 148)**

To enable the Cabinet to consider the recommendations made to it by the Planning Policy & Local Plan Committee in relation to the third tranche in a series of 'Conservation Area Appraisal and Management Plans' that have been prepared for the Council by Essex Place Services.

8 **Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.2 - Scrutiny of the Decision to give Consent for an Event by Frinton Summer Theatre (Pages 149 - 152)**

To enable the Cabinet to consider the recommendations made to it by the Resources and Services Overview & Scrutiny Committee in relation to the Environment & Public Space Portfolio Holder's decision to give consent for an event by Frinton Summer Theatre.

9 **Leader of the Council's Items**

There are none on this occasion.

10 **Cabinet Members' Items - Report of the Environment & Public Space Portfolio Holder - A.3 - Detailed reply to the Resources and Services Overview & Scrutiny Committee's Recommendations in respect of the Waste, Recycling and Littering Enquiry (Pages 153 - 160)**

To enable the Cabinet to consider the detailed reply of the Environment & Public Space Portfolio Holder to the recommendations made to it by the Resources and Services Overview & Scrutiny Committee in respect of the Waste, Recycling and Littering Enquiry.

11 Cabinet Members' Items - Report of the Leisure & Tourism Portfolio Holder - A.4 - Tending Beach Hut Strategy Revisited (Pages 161 - 200)

To present a draft emerging Beach Hut Strategy Review for Cabinet approval for public consultation purposes and to request authority to invite stakeholder comment on the document.

12 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.5 - Financial Performance Report 2022/23 & 2023/24 - General Update at the end of Quarter 2 (Pages 201 - 250)

To provide a general update and overview of the Council's financial position against the 2022/23 budget and looking ahead to 2023/24 and beyond.

13 Cabinet Members' Items - Joint Report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.6 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions / Discounts / Premiums for 2023/24 and Annual Minimum Revenue Provision Policy Statement 2023/24 (Pages 251 - 304)

To enable Cabinet to consider and agree for recommending to Full Council the following:

- Local Council Tax Support Scheme 2023/24 (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2023/24; and
- Annual MRP Policy Statement for 2023/24.

14 Management Team Items - Report of the Monitoring Officer - A.7 - Local Government and Social Care Ombudsman Findings (Pages 305 - 306)

To report omissions that the Local Government and Social Ombudsman has determined were maladministration by this Council in two separate housing cases.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 16 December 2022.

Information for Visitors

COMMITTEE ROOM FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 7TH OCTOBER, 2022 AT 10.30 AM
COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:

Councillor G V Guglielmi	Deputy Leader of the Council & Portfolio Holder for Corporate Finance and Governance (in the Chair)
Councillor J D Bray	Portfolio Holder for Planning
Councillor L A McWilliams	Portfolio Holder for Partnerships
Councillor M C Newton	Portfolio Holder for Business & Economic Growth (except items 56 (part) – 59)
Councillors A O J Porter	Portfolio Holder for Leisure & Tourism
Councillor M J Talbot	Portfolio Holder for Environment & Public Space

Group Leaders Present by Invitation: Councillors E T Allen (Leader of the Tendring First Group), J B Chapman BEM (Leader of the Independents Group), I J Henderson (Leader of the Labour Group), G G I Scott (the Leader of the Liberal Democrats Group), C P Winfield (Leader of the Holland-on-Sea Group) and A P H Baker (Deputy Leader of the Tendring Independents Group)

Also Present: Councillor G R Placey (Deputy Leader of the Tendring First Group)

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Acting Director (Planning)), Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Debianna Messenger (Work Based Learning Manager) and Matt Cattermole (Communications Assistant)

Also in Attendance: Richard Barrett (Assistant Director (Finance & IT) & Section 151 Officer) [who was available to participate via MS Teams]

46. SILENT TRIBUTE TO HER LATE MAJESTY QUEEN ELIZABETH II

This being the first formal meeting of the Cabinet since the death of Her Late Majesty Queen Elizabeth the Second, the Deputy Leader of the Council led all persons present in a silent tribute to the memory of her reign.

47. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P B Honeywood (Portfolio Holder for Housing), M E Stephenson (Leader of the Tendring Independents Group) and N R Stock OBE (Leader of the Council).

48. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 15 July 2022, be approved as a correct record and be signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Councillors on this occasion.

50. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Deputy Leader of the Council (Councillor G V Guglielmi) made the following announcements:

Gold Award for Council as Positive Employer of Armed Forces Community

The Deputy Leader of the Council was delighted and proud to announce that Tendring District Council (TDC) had received a gold award for its work to support employment of people from the Armed Forces family.

The Council had been recognised for its work in the Ministry of Defence Employer Recognition Scheme, with TDC officials collecting the award at an event in London on 29 September 2022.

Tendring4Growth

The Deputy Leader of the Council informed Members that he had attended the first day of the Tendring4Growth Business Fortnight on Monday 3 October 2022. Around 25-30 local businesses had participated in a breakfast event, Tendring Means Business, with keynote speakers Paul Milsom from Milsom Hotels, Allistair Hunter from DS Group, and Tom West from RentMy.

51. ANNOUNCEMENTS BY CABINET MEMBERS

The Business and Economic Growth Portfolio Holder (Councillor Newton) informed Cabinet that she had attended the ever-popular Skills Fair at the Princes Theatre, in the Town Hall, Clacton on Thursday, 6 October 2022, with residents invited to have a go at various jobs and careers within key sectors across the Tendring District. Having spoken to many residents participating she was optimistic that some, at least, of the attendees would be successful in gaining employment.

52. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

53. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

54. LEADER OF THE COUNCIL'S ITEMS - A.1 - HIGHLIGHT PRIORITY ACTIONS 2022/23 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE HALF YEAR POINT

Cabinet considered a report of the Leader of the Council (A.1) which provided it with an update on the positive progress with the Highlight Priority Actions adopted for 2022/23 towards the Council's Corporate Plan Themes for 2020/24.

The Cabinet was aware that the Corporate Plan 2020/24, adopted by Council, set out the strategic direction and policy objectives for the Council over that period. Taking into account the Corporate Plan Themes, Cabinet at its meeting held on 25 February 2022 had adopted a series of highlight priority actions for 2022/23 with individual milestones for each of those actions. This meeting of Cabinet provided an opportunity to report on the six month position on each of those highlight priority actions and the specified milestones.

Members were reminded that circumstances generally, and with progressing individual highlight priority actions could impact on the individual milestones associated with those actions. The Leader's report invited Cabinet to realign certain milestones and approve new ones as set out in the Appendix to that report.

Moving forward the Quarter 3 position on the highlight priority actions for 2022/23 would be reported to Cabinet on 27 January 2023 when it was intended it would finalise its proposals for highlight priority actions for 2023/24. That meeting would also recommend the Council's budget for 2023/24. The final position at the end of 2022/23 in respect of the highlight priority actions for that year would be reported to Cabinet in Summer 2023/24 and it was hoped to align that report with the budget outturn position.

In considering this report, Cabinet also reflected on the range of significant matters that the Council had delivered in the previous six months. It had been a busy six months and a range of the bids, and deliverables in that period were set out in the background section of the Leader's report and covered matters including:-

- (1) Fifteen additional homes added into the Housing Revenue Account;
- (2) Poetry and History combine at the Jaywick Sands Workspace construction site;
- (3) Bids submitted for £40million of Government "Levelling Up" funding for Clacton-on-Sea and Harwich;
- (4) Construction work begun on the starlings site in Dovercourt;
- (5) Six TDC car parks received the Safer Parking Award Scheme Park Mark;
- (6) Round 5 of the Sportsbreak.com professional cycling Tour Series held in Clacton-on-Sea in May 2022;
- (7) Office Transformation Project completed;
- (8) 29th Clacton Air Show held in August 2022;
- (9) New gym equipment installed in Leisure Centres;
- (10) Careline growth proposals initiated;
- (11) Landlord successfully prosecuted for HMO maintenance offences;
- (12) Four Green Flags and two Blue Flags awarded; and
- (13) Gold award to TDC for its support for Armed Forces personnel.

In order that certain milestones associated with particular highlight priorities referenced in the report could be adjusted:-

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

RESOLVED that the contents of the report together with the proposed realignment of particular milestones and adoption of new milestones, for particular highlight priority actions set out in the report be noted and endorsed.

55. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.2 - FINANCIAL PERFORMANCE REPORT - GENERAL UPDATE 2022/23 AND 2023/24

Cabinet considered a detailed report of the Corporate Finance & Governance Portfolio Holder (A.2), which provided a general update and overview of the Council's financial position against the 2022/23 budget and looking ahead to 2023/24 and beyond.

Cabinet was aware that this year had seen a number of emerging issues both nationally and globally that would have a significant impact on the Council's own financial position e.g. inflation, supply chain disruption, energy cost increases, commodity price increases along with associated secondary impacts. This was in addition to more local pressures on net costs such as the Crematorium remaining non-operational for the first half of 2022/23.

It was reported that rather than present a detailed quarterly update as would ordinarily be the case at this time each year, the Portfolio Holder's report instead set out a high level review of the Council's financial position and challenges ahead along with a proposed short term response. Officers continued to work on updating the forecast and exploring options to support the Council in meeting the financial challenge in 2022/23 along with setting a balanced budget in 2023/24.

Cabinet was informed that, given the scale of the financial challenges that the Council faced, it was proposed to engage all Members as early as possible in this process to add resilience to the Council's financial position heading into 2023. As had been said before, the financial stewardship of the Council was a responsibility borne by all Members and it was more important than ever to work together to ensure that the Council not only balance the books but protected as many front line services as it possibly could going into 2023/24 and beyond.

Members were made aware that, given the speed with which national / global events had introduced significant financial pressures, and along with the scale of the impact, it was proposed to look to reserves, capital receipts and unspent balances to deliver a balanced budget and outturn position this year and next (2022/23 and 2023/24). This would provide a platform to develop sustainable proposals to manage the financial position in the medium to longer term.

Notwithstanding the comments above, a number of items would be funded in the immediate term given their relative urgency.

Cabinet was aware that the Corporate Investment Plan would continue to play a key role in supporting the Council's decision-making processes going forward. However, given the scale of the financial challenges faced by the Council, this would be reviewed alongside the development of the budget / forecast over the coming weeks and months.

There was also an intention to remain within the Essex Business Rates Pool and continue with the Council Tax Sharing Agreement in partnership with Essex County Council, whilst it remained advantageous to do so.

In order to:-

- (a) engage all Members as early as possible in the process in order to add resilience to the Council's financial position heading into 2023 and to ensure that the Council not only balanced the books but protected as many front line services as it possibly could going into 2023/24 and beyond; and
- (b) also enable a number of items to be funded in the immediate term given their relative urgency:-

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

RESOLVED that Cabinet –

- a) notes the contents of the Portfolio Holder's report and requests Officers to explore opportunities to maximise Member engagement in the budget setting process as early as possible in the financial forecast 'cycle' for 2023/24;
- b) requests Officers to present an updated financial forecast and funding options to the November 2022 meeting of Cabinet;
- c) approves the funding allocations set out within Table 2 within the Portfolio Holder's report, with the associated total cost of £859,200 met from the Corporate Investment "Reserve";
- d) approves a delegation to Officers, in consultation with the relevant portfolio holders, to agree the necessary arrangements to implement / take forward the items set out within the aforementioned Table 2;
- e) approves the acceptance of external funding made available by the Council's Local Health Partners totalling £408,000, and authorises the relevant Portfolio Holder to approve the associated schemes / projects in consultation with the Alliance Board; and
- f) approves that the Council continues to be a member of the Essex Business Rates Pool and Council Tax Sharing Agreement with Essex County Council in 2023/24 if it remains financially advantageous to do so.

56. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - UPDATE ON CAREER TRACK AND ITS APPRENTICESHIP PROVISION

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.3), which updated it on the activities and progress since the Ofsted Inspection visit in November 2021, and sought its agreement for the continuation of the Career Track function and its agreement of the new governance structure/format.

Cabinet recalled that Career Track had had its first full inspection by Ofsted between 3 and 5 November 2021 following the Education Inspection Framework. Career Track had previously had a successful Ofsted Monitoring Visit (a more 'light touch' inspection) in June 2019. The full report following the November Inspection had been published on 24 December 2021. The findings of that report had graded Career Track as 'Requiring Improvement'. Following this grading, Tendring District Council had implemented a comprehensive Development Plan in order to address the improvement areas identified by Ofsted.

An internal Development Group had been established to monitor the progress against the actions identified within the Development Plan. The Development Group was chaired by Councillor G V Guglielmi in his role as the Portfolio Holder for Career Track. Membership of the group also included the Chief Executive; Assistant Director (Partnerships); the Internal Audit Manager and the Executive Projects Manager (Governance). The Work Based Learning Manager and the Organisational Development Manager reported to this group. The Internal Audit Manager and Executive Projects Manager had been part of the Development Group to represent the Section 151 Officer and Monitoring Officer in their overarching governance roles due to the findings of the Ofsted Report.

It was reported that to date the Development Group had met five times and following significant progress had been able to sign off the Development Plan at its last meeting in June 2022. Initial activity following the inspection had focussed on setting the foundations and getting them in place. This had involved adjusting Career Track resources to address the additional demands to meet inspection requirements.

Members were informed that the services of a specialist company known as Strategic Development Network (SDN) had been commissioned for their professional help and advice for policy and curriculum development, which had enabled a new curriculum to be written, which met fully the requirements and expectations of Ofsted. The curriculum covered the knowledge, skills and behaviours of the standards, including personal development and behaviours and attitudes, which covered safeguarding, British values, Prevent, career development and health and well-being.

Cabinet was advised that SDN had supported Career Track with consultants/professionals who also worked alongside and trained Ofsted Inspectors. In addition, their services had been used to support the completion of the RoATP (Register of Apprenticeship Training Providers) application in 2019 and in 2022, as an apprenticeship training provider had to be an approved provider on the register in order to be able to deliver apprenticeships. SDN had recently completed a review of the Development Group to assist in shaping a governance approach suitable for the ongoing provision of Career Track Apprenticeship.

It was reported that Career Track had formally launched OneFile, a training software package for the administration and management of apprenticeships. OneFile was used by at least 50% of all apprenticeship providers as it supported learners more effectively and enabled the provider to better monitor and ensure effective delivery of the curriculum. Career Track was now able to fully personalise learning, improve quality and increase engagement with its apprentices and employers, using the OneFile eportfolio software. This had been funded by the Back to Business Agenda.

In addition, a recent stakeholders briefing had enabled Career Track to share a revised and updated mission statement, the success of OneFile and the new curriculum – this had resulted in positive feedback from those who had attended. All apprentices (and their supervisors and mentors) were using OneFile (dependent on where they were in their apprenticeship programme) and the benefits were already evident.

Cabinet was made aware that the agreement for TDC (under the name of Career Track) to provide apprenticeship training rested with the ESFA (Education and Skills Funding Agency). That organisation had an allocated account manager for career Track and the Work Based Learning Manager had held monthly meetings with him to discuss actions and progress towards meeting the improvements required by Ofsted. The ESFA account manager had approved the Development Plan and fully supported the progress being made. At their last meeting on 23 June 2022 the account manager had agreed that the plan had been completed and consequently Career Track had returned to quarterly meetings until the next inspection.

Members were informed that a Career Track self-assessment report and its accompanying quality improvement plan was being finalised and would replace the Development Plan as the monitoring tool for quality, progress, development and achievement. This was an expectation of Ofsted and when complete would be shared with them and the ESFA.

Cabinet noted that, with the recovery phase / improvement changes now completed, Career Track was returning to 'Business as Usual' and the Development Group had recommended that its membership be revised to align with a governance required by Ofsted for the ongoing provision of all apprenticeships.

It was reported that Career Track would seek to follow the AELP (Association of Employment and Learning Providers) Governance Code. It was based on the following expectations of good governance:

- *Putting the learner, apprentice, and employer first;*
- *promoting high expectations and ambitions for learners, apprentices, and staff;*
- *listening to learners, employers, and staff;*
- *promoting inspirational training, teaching, and learning and assessment;*
- *creating a safe environment for learners and apprentices to train, learn and develop;*
- *providing strong strategic leadership and challenge to the senior team;*
- *demonstrating accountability to all stakeholders, including publishing accurate and timely information on performance;*
- *ensuring the achievement of equality of opportunity, diversity, and inclusion throughout the organisation.*

Cabinet was informed that, under the Ofsted Education Inspection Framework it was a requirement that an apprenticeship training provider followed the Further Education and Skills handbook criteria for Governance, as identified in the AELP Governance Code.

The aim of the Tendring District Council (Career Track) Apprenticeship Governance Board was to achieve effective governance, that:

- *sets the tone from the top and ensures that delivery matches up with an organisation's values and ethos;*

- *provides strategic direction and control to Career Track by creating robust accountability, oversight and assurance for educational outcomes and financial performance;*
- *requires confidence and ability to challenge conventional wisdom, ask tough questions and nurture strong relationships.*

The Terms of Reference of the Apprenticeship Board, as set out in Appendix C to the Portfolio Holder's report, had been agreed, in principle, at the final meeting of the Development Group. The first meeting of the Apprenticeship Governance Board was due to take place in October 2022 with three meetings being held per year, termly, and with an annual report to Cabinet following the final summer term meeting.

To enable Career Track to work towards achieving a 'Good' Ofsted inspection result and to continue to contribute to the economic, health and social well-being of the District:-

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

RESOLVED that Cabinet –

- a) notes the implemented progress of the Career Track Apprenticeship Scheme since the Ofsted Report in December 2021 requiring improvement;
- b) approves the Terms of Reference of the Career Track Apprenticeship Governance Board, which will be chaired by the Cabinet Member for Corporate Finance and Governance, who also has the Portfolio Holder responsibility for Career Track; and
- c) continues its support for Career Track and their priorities and the longer term commitment to continue to explore opportunities to deliver the Service at no net cost to the Council.

57. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING PORTFOLIO HOLDER - A.4 - AGREEMENT WITH ESSEX COUNTY COUNCIL TO USE SHELTERED HOUSING FLATS FOR THE PROVISION OF SHORT TERM ACCOMMODATION FOR THOSE LEAVING HOSPITAL CARE

Cabinet considered a report of the Housing Portfolio Holder (A.4), which sought its approval for an agreement with Essex County Council regarding the use of Sheltered Housing long-term void flats, to be used for qualifying individuals for up to a 12-week stay.

Members were reminded that a 12 month pilot scheme had seen four otherwise vacant sheltered flats owned by Tendring District Council used as temporary accommodation for persons leaving hospital care and unable to return home, in a partnership with Essex County Council. That pilot had been funded by the North East Essex Health and Well-being Alliance and had facilitated a 12 week stay for those in need of interim accommodation. The scheme had reduced the length of hospital stays and had provided a cheaper option to care home placements.

It was now proposed to extend the pilot for a further three years using two sheltered flats at Kate Daniels House in Weeley but with the option to extend beyond three years or to use additional flats if required. Approval was therefore sought for the principal of using otherwise vacant Tendring District Council sheltered flats for temporary accommodation

and alternative housing purposes and to enter into an agreement with Essex County Council for the joint arrangements.

In the belief that the two properties in question were likely to remain void for the foreseeable future due to historic low demand for that site and that entering into the agreement would generate an income to the Housing Revenue Account and help alleviate problems caused by an individual not being able to return to their home:-

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

RESOLVED that Cabinet -

- (a) approves the principle of using vacant sheltered housing flats for the provision of short term accommodation for those leaving hospital care and whose principal home is unavailable;
- (b) approves entering into an agreement with Essex County Council to formalise the arrangement to use two flats at Kate Daniels House, Weeley for a period of three years for such temporary accommodation;
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Housing Portfolio Holder, to agree the terms of the agreement with Essex County Council; and
- (d) authorises the extension of that agreement to further flats and other schemes or beyond the three year period should there be a demonstrated need and mutual agreement to do so.

58. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.5 - DRAFT EQUALITY AND INCLUSION STRATEGY 2023 TO 2027

Cabinet considered a report of the Partnerships Portfolio Holder (A.5), which presented it with a draft four year Equality and Inclusion Strategy and which sought its approval to commence wider consultation prior to formal approval from Cabinet in Quarter 3 and its implementation in Quarter 4.

Cabinet was reminded that, in accordance with the requirements of the Equality Act 2010, all public bodies, including local authorities, were subject to what was referred to as the 'Public Sector Equality Duty (PSED)'. This duty required public bodies to pay due regard to the following:

- *Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;*
- *Advance equality of opportunity between people who share a protected characteristic and those who do not; and*
- *Foster good relations between people who share a protected characteristic and those who do not.*

As part of this PSED local authorities were required to have and publish their equality and diversity objectives, showing how they would meet those requirements. The draft Equality and Inclusion Strategy set out how Tendring District Council (the Council) would seek to meet its obligations under the PSED over the period of 2023 to 2027.

Cabinet was therefore requested to endorse the draft strategy for consultation with key partners. Following the consultation process, a revised final strategy would be submitted to Cabinet for its final approval, publication and implementation.

Members were informed that the draft Equality and Inclusion Strategy set out five objectives underneath each of which were listed the ways in which the organisation would seek to achieve them over the lifetime of the strategy. The contents were aligned to existing Council Plan and priorities and other documents such as the forthcoming Community Engagement Strategy, Local Plan, Housing Strategy, Economic Growth priorities and by working in close partnership with other providers.

The five objectives were:

1. *Engage and communicate in appropriate and accessible ways*
2. *Ensure we deliver inclusive and responsive services*
3. *Foster good relations with and within the community*
4. *Break the cycle of inequality and improve life chances*
5. *Develop and support a diverse workforce*

In accordance with the agreed and published Corporate Priorities for 2022/23, section C3 Effective and Positive Governance for Quarter 2:-

It was moved by Councillor McWilliams, seconded by Councillor Bray and:-

RESOLVED that Cabinet approves the draft Equality and Inclusion Strategy, as set out in the Appendix to item A.5 of the Report of the Partnerships Portfolio Holder, for public consultation purposes.

59. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.6 - COMMUNITY ENGAGEMENT STRATEGY

Cabinet's approval was sought for the introduction of a Community Engagement Strategy, which was attached as an Appendix to item A.6 of the Report of the Partnerships Portfolio Holder.

Members recalled that community engagement was the process by which Tendring District Council aimed to build strong, connected, involved and empowered communities with voices that would be heard and responded to, as part of local decision-making.

It was reported that the Community Engagement Strategy set out the Council's aims in relation to community engagement and outlined how it would engage with its communities.

Cabinet was informed that the aims of the strategy were to support strong, active and inclusive communities who:-

- *are informed and involved in decision making;*
- *can influence and shape the area in which they live and work; and*
- *have the capacity to develop and deliver their own projects.*

To ensure that the Council delivered its Corporate Plan vision '*to put community leadership at the heart of everything we do through the delivery of high quality, affordable services and working positively with others*' and delivering against identified governance requirements:-

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

RESOLVED that the draft Community Engagement Strategy, as set out in the Appendix to item A.6 of the Report of the Partnerships Portfolio Holder, be adopted.

60. MANAGEMENT TEAM ITEMS

There were no such items to consider on this occasion.

The Meeting was declared closed at 12.24 pm

Chairman

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CABINET

4 NOVEMBER 2022

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.1 CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS FOR GREAT OAKLEY AND KIRBY-LE-SOKEN

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendations made to it by the Planning Policy & Local Plan Committee in relation to the third tranche in a series of 'Conservation Area Appraisal and Management Plans' that have been prepared for the Council by Essex Place Services.

EXECUTIVE SUMMARY

The Planning Policy & Local Plan Committee ("the Committee"), at its meeting held on 10 October 2022 (Minute 23 refers), gave consideration to a comprehensive report (and appendices) of the Acting Director (Planning) which had reported to it the third in a series of 'Conservation Area Appraisal and Management Plans' that had been prepared for the Council by Essex Place Services. The report had also sought the Committee's recommendation to Cabinet that they be approved for public consultation purposes.

The Committee's decision at its meeting held on 10 October 2022 was as follows:-

"RESOLVED that the Planning Policy and Local Plan Committee:

- 1. endorses the new Conservation Area Appraisal and Management Plans for Great Oakley (Appendix 1) and Kirby-le-Soken (Appendix 2) Conservation Area;*
- 2. recommends to Cabinet that the above documents (forming Appendices 1 and 2) be published for consultation with the public and other interested parties;*
- 3. notes that Conservation Area Appraisal and Management Plans for the District's other un-reviewed Conservation Areas will be brought before the Committee in due course over the next 6 months; and*
- 4. recommends to Cabinet that a leaflet be produced by Officers for the residents of properties in all of the District's Conservation Areas and areas proposed, through the Conservation Area reviews, to be included in the Conservation Areas. Such leaflet to inform residents, in basic terms, of the purpose, implications and controls in relation to Conservation area status; and that the leaflets be distributed to the relevant households in those areas with the 2023 Council Tax Bill."*

Planning Portfolio Holder's Comments

"I thank the Planning Policy and Local Plan Committee for its consideration of this latest tranche of Conservation Area Character Appraisal and Management Plans and I sincerely welcome, once again, their recommendation to Cabinet that these be published for consultation. Reviewing all of the District's Conservation Areas is one of the key actions in the Council's Heritage Strategy and the progress so far has been very good. Ensuring we

have an up-to-date appraisal for each and every Conservation Area will enable residents, developers, planners and our Planning Committee to understand the key characteristics that make each area special and which need to be preserved and enhanced when making planning applications and determining them. They will also enable us to reconsider the boundaries of each area and determine whether any Article 4 Directions are needed to provide an extra level of protection and control.

I also very much welcome and endorse the proposal that explanatory Conservation Area leaflets be distributed to the relevant households with the 2023 Council Tax Bill if this is viable and practicable.”

RECOMMENDATION

That, subject to Cabinet’s consideration of the recommendations of the Planning Policy & Local Plan Committee arising from its meeting held on 10 October 2022, Cabinet resolves that -

- (a) the new Conservation Area Appraisal and Management Plans for: Great Oakley (Appendix 1) and Kirby-le-Soken (Appendix 2) be approved for consultation with the public and other interested parties; and**
- (b) the Assistant Director (Finance & IT), in consultation with the Corporate Finance & Governance Portfolio Holder, the Housing Portfolio Holder, the Planning Portfolio Holder and the Acting Director (Planning), be authorised to include a leaflet to inform residents, in basic terms, of the purpose, implications and controls in relation to Conservation area status with the 2023 Council Tax Bill to be sent in due course to the relevant households within those Conservation Areas.**

CURRENT POSITION

Cabinet is now requested to consider the recommendations submitted to it by the Planning Policy & Local Plan Committee.

The Acting Director (Planning)’s Report and accompanying Appendices which were considered by the Planning Policy & Local Plan Committee at its meeting held on 10 October 2022 are attached as Appendices to this report.

BACKGROUND PAPERS

Published Minutes of the meeting of the Planning Policy & Local Plan Committee held on 10 October 2022.

APPENDICES

A1 Appendix A – Report of the Acting Director (Planning) (item A.2) to the meeting of the Planning Policy & Local Plan Committee held on 10 October 2022.

Appendix 1 – Great Oakley Conservation Area Appraisal
Appendix 2 – Kirby-le-Soken Conservation Area Appraisal

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

10 OCTOBER 2022

REPORT OF THE ACTING DIRECTOR (PLANNING)

A.2. CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS (Report prepared by William Fuller)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To report to Planning Policy and Local Plan Committee the third set of two ‘Conservation Area Appraisal and Management Plans’ prepared for the Council by Essex Place Services, and for the Committee to agree a recommendation to Cabinet that they be published for consultation.
EXECUTIVE SUMMARY
<p>As Members will recall, the second five Conservation Area Appraisals were considered at this Committee on 11th May 2022 where a decision was made to progress these appraisals to Cabinet and then to public consultation. Those second five Conservation Area Appraisals were; Harwich Old Town, Manningtree and Mistley, Frinton and Walton, Brightlingsea and Great Bentley.</p> <p>This report asks Members to consider the next two Conservation Area Appraisals. These are:</p> <ul style="list-style-type: none">• Great Oakley Conservation Area, and,• Kirby-le-Soken Conservation Area, <p>The Committee is asked to consider these and to agree a recommendation to Cabinet to publish them for consultation.</p>
RECOMMENDATIONS
<p>That the Planning Policy and Local Plan Committee:</p> <ol style="list-style-type: none">1. endorses the new Conservation Area Appraisal and Management Plans for Great Oakley (Appendix 1) and Kirby-le-Soken (Appendix 2) Conservation Area;2. recommends to Cabinet that the above documents (forming Appendices 1 and 2) be published for consultation with the public and other interested parties; and3. notes that Conservation Area Appraisal and Management Plans for the District’s other un-reviewed Conservation Areas will be brought before the Committee in due course over the next 6 months.

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PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Conservation Area Appraisals will support the Corporate Plan 2020-24 (aligned with the core themes of Tending4Growth and Community Leadership) through delivery of interventions aimed at:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance
- A Growing and Inclusive Economy

RESOURCES AND RISK

Resources: TDC Officers are leading on this project with the input of Essex County Council Place Services under a service level agreement.

Adoption of the Conservation Area Appraisals will assist in attracting external funding for heritage related activity in the District. Potential sources of funding include:

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

Risks: The adoption of the Conservation Area Appraisals supports the Council's duties to maintain and enhance heritage assets and so reduces the risk of the district's heritage assets being diminished or lost.

LEGAL

National Planning Policy Framework (February 2019), paragraph 185 states:

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) Opportunities to draw on the contribution made by the historic environment to the character of a place.

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Consideration of any legal implications of actions proposed in the strategy will be needed in due course.

OTHER IMPLICATIONS

Crime and Disorder: Heritage assets are, unfortunately, vulnerable to crime. Having a strategy for promoting heritage assets in the district should contribute positively to their maintenance.

Equality and Diversity: The recommendations in this report are aimed at benefitting all who live, shop, work and visit the District.

Health Inequalities: There is a growing wealth of evidence that demonstrates the role heritage plays in improving mental wellbeing and physical health. People who visit heritage sites reported higher life satisfaction and happiness scores, as well as lower anxiety (Department for Culture Media and Sport 2015). Across Essex there are a number of schemes and organisations to encourage and support healthy activity, such as Active Essex and Healthy Life Essex. Tendring's heritage provides a positive platform to encourage people to enjoy the outdoors and take positive steps for their personal health and wellbeing. Heritage Trails, for example, are already established in Harwich and Dovercourt, Frinton-on-Sea, Clacton- on-Sea, Jaywick Sands and Walton- on-the-Naze, they encourage walkers to take routes through the historic environment. Promoting these to new groups and partnering with healthy organisations can open heritage to new audiences and increase wellbeing.

Area or Ward affected: All, with a focus on those where Conservation Areas are being reassessed.

Consultation/Public Engagement: Members will recall that it was agreed at the October 2021 Committee meeting to send the first five Conservation Area Appraisals to public consultation. That public consultation took place over the summer and the results of which are being collated and analysed by Place Services and Council Offices.

The second set of Conservation Area Appraisals and Management Plans are due to go out to public consultation at the end of September for a period of six weeks. The third set of Conservation Area Appraisals and Management Plans (attached at Appendix 1 and 2) will be consulted on toward the end of the year for a period of no less than six weeks.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Members will recall that the Council's Heritage Strategy was considered by the Local Plan and Planning Policy Committee on 29th October 2019. At that meeting it was resolved that the Committee noted the Strategy and comments made by Members at the meeting.

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On the 20th March 2020 Cabinet agreed to formally adopt the Council's Heritage Strategy. This Strategy contained a number of actions which were envisaged to be carried out by the Council and its partners throughout the lifetime of the Strategy. Two of these actions were for Officers to update Conservation Area Appraisals and prepare a 'Local List' of non-designated heritage assets within the District.

After identifying the first five Conservation Areas to be assessed in October 2021, Members then agreed the second set of Appraisals in May of this year. Members are now presented with the next two draft Conservation Area Appraisals, these are:

- Great Oakley Conservation Area, and,
- Kirby-le-Soken Conservation Area,

Officers intend to review all of the Council's Conservation Areas and the next set have already been commissioned from Place Services. These will follow in due course.

CONSERVATION AREA APPRAISALS

Each of the Conservation Area Appraisals share a broadly similar structure. At the start of each Appraisal a section detailing the context and general character of the Conservation Area and the evolution of the Conservation Area is given.

The following areas of assessment are specific to each Conservation Area so have their own section headings.

Alterations To Boundaries

After a detailed assessment, the boundary of the Great Oakley Conservation Area will remain unchanged.

For Kirby-le-Soken minor changes to the boundary are recommended.

Additions: The Conservation Area boundary should include the gardens of the properties within the Conservation Area. They form the domestic curtilage and contribute to our understanding of land use, layout and an indication of the area's development.

It is recommended to include the Oxborrows Yard, Maltings Lane. The site has historically been a service yard as noted on the Tithe Apportionment (1841). Therefore, it is considered to contribute to the Conservation Area's historic development and character. The site was formerly occupied by Oxborrow Engineering but at the time of the assessment was vacant. The Oxborrow Family, Blacksmiths and Engineers, have a long-standing association with Kirby-le-Soken and Tendring dating from 1812. The early nineteenth century forge was demolished for residential development in 2004. The property is visible from within the Conservation Area and is an attractive nineteenth century industrial building, unique within the area, contributing to local character and appearance.

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Reductions: It is proposed to remove the back land development behind Number 44-64 as it undermines, and is inconsistent, with the historic grain of development. The development is of a low scale, however, it is visible in the skygaps between the properties fronting The Street; this detracts from appreciation of Kirby-le-Soken as an isolated settlement. The quality of the development does not positively respond to the character and appearance of the Conservation Area.

Designated Heritage Assets

The appraisals make note of the listed buildings, scheduled monuments and registered parks and gardens in each Conservation Area.

Proposed Non-designated heritage assets

These buildings have been identified as they are either considered to be good examples of their type or architectural style, are prominent local landmarks, demonstrate use of local materials or design features, or are connected to local historical events, activities or people, and are all relatively complete in their survival.

At Great Oakley

- The Three Cups, High Street
- Mill House Cottages (2 – 5 High Street)
- Cambria House, High Street
- Apple Tree Cottage and No. 2, High Street
- Pillbox outside Apple Tree Cottage, High Street
- Romaric, Queen Street
- The Maybush Inn, Farm Road

For Kirby-le-Soken

Number 57, The Street is a one and a half storey weatherboarded dwelling with a slate roof (Figure 35). The property sits perpendicular to the road, gable ended with decorative barge boards and a finial painted white. There is a single storey porch entrance to the east elevation and a lean to on the west elevation, both covered in red clay pantiles. There is a slender red brick chimney to the rear. The small scale and attractive detailing make it a noticeable dwelling within the streetscene. The property does have a larger modern extension to the rear, however, this does not visibly detract from the original scale and historic core of the property.

Waterloo House (Number 34, The Street) is a large, detached and double piled dwelling of two-storeys and rendered elevation. The frontmost pile sits under a slate roof and the rear is covered in red clay tiles. It is one of the larger dwellings running parallel to The Street, making it a visually prominent within the streetscene. The single storey outbuilding to the west of the property is present of the first edition Ordnance Survey map (1897) and may be contemporary with the principal dwelling. The first floor has six over six sash windows; the windows to the ground floor windows and central entrance appear to be modern alterations.

Heritage at Risk

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Neither of the Conservation Areas contrail buildings or structures at risk. The Conservation Areas themselves are also not at risk.

Archaeology

Throughout these Conservation Areas there is the potential for a multitude of below-ground heritage assets yet to be discovered. In general the appraisals promote a cautious approach to development which might disturb or destroy these assets.

Assessment of significance

A detailed assessment of significance of each of the Conservation Areas is then presented. Many of the Conservation Areas are split into distinct character areas. Each assessment considers the following features:

- Layout
- Building materials and boundary treatments
- Listed buildings and non-designated heritage assets
- Other buildings
- Landscaping and open spaces
- Views

Opportunities for Enhancement

This section of each appraisal identifies the issues facing the Conservation Areas which have been reviewed. A large number of the issues are common to all Conservation Areas, but where they are unique, that is also highlighted.

- Both of the Conservation Areas could benefit from enhancement to car parking including planting trees and a review of hard landscaping to ensure its historic appropriateness.
- For both areas, on-street parking detracts from the historic character of the Conservation Area.
- Kirby suffers from empty properties which can have a detrimental impact on the character of a place over time.
- Both Conservation Areas suffer from the loss of or inappropriate use of architectural detailing such as UPVC windows and doors, rainwater goods and external paintwork.
- In the Conservation Areas modern development usually resulted in a negative or neutral impact on the area as a whole.
- The Conservation Areas suffered from some poor maintenance of buildings

For Great Oakley a couple of specific issues were highlighted:

A number of buildings within the Conservation Area have been fitted with solar panels on their roofs, including several modern buildings at the eastern end of the High Street. While solar panels are an important element in the move towards sustainable energy sources, they are a modern intervention which can be visually intrusive, introducing large expanses of dark, reflective surfaces onto the traditional roofscape of the Conservation Area which are at odds with its vernacular character and appearance. Some traditional roofscapes, such as thatched roofs and those on listed buildings, are

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unsuitable for solar panels. Generally, solar panels should be confined to rear roof slopes or secondary roof pitches which face away from the main thoroughfares or placed on outbuildings, to reduce their impact on the character of the Conservation Area.

The Convenience Store at 9-10 High Street has suffered some unsympathetic alterations, most noticeably the overpainting of the red brick façade, leading to loss of historic detailing and lack of coherence with its neighbours. The large plastic signage blocks the lower part of one of the first floor windows, while the ground floor shop window is obscured with vinyl signage. These features detract from the character of the Conservation Area. Removal of the paint from the brickwork elevation, removal of the vinyl stickers and installation of a smaller painted timber sign would improve its appearance. This should be in line with the Essex County Council's Shopfront Guidance.

There was also an area-specific issue at Kirby-le-soken:

The Red Lion Public House has a large, tarmacked car park to the side stretching to Maltings Lane. The large expanse of hardstanding does have an urbanising effect, which detracts from the rural character and appearance of the Conservation Area. There is an opportunity to soften the appearance of the carpark through the addition of boxed planters or a gravel surface. Any changes to the carpark, however, should not undermine the openness of this section of the Conservation Area.

Management Proposals

As outlined above, there are a wide range of issues facing each of the Conservation Areas, many of which share common themes. This section recommends management proposals which address these issues in both the short and long term.

- The preparation a Local Heritage List of non-designated heritage assets is suggested for both Conservation Areas.
- The Council is encouraged to use its enforcement powers to prevent inappropriate development within both of the Conservation Areas.
- Joint working between different Council departments to promote public realm improvements is also suggested.
- The monitoring of trees and additions to tree planting within public open space is recommended.
- Publishing guidance for homeowners and businesses in Conservation Areas could help owners identify appropriate alterations to their properties within Conservation Areas.
- The timely renewal of these Conservation Area Appraisals could help to monitor change within the Conservation Areas more accurately.
- Wayfinding could help with legibility.

Funding Opportunities

- Heritage lottery fund
- S106 Agreements
- Partnership Schemes in Conservation Areas

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CONCLUSION

Taking into account the discussion had at this meeting, Members of the Planning Policy and Local Plan Committee are asked to recommend to Cabinet that the two Conservation Areas to be put to a six week public consultation.

APPENDICES

Appendix 1 – Great Oakley Conservation Area Appraisal
Appendix 2 – Kirby-le-Soken Conservation Area Appraisal

BACKGROUND DOCUMENTS

None

Great Oakley Conservation Area Character Appraisal and Management Plan

Tendring
District Council



Client:
Tendring District Council

Date:
Sep 2022





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Figure 1 Proposed Conservation Area boundary (orange)

1. Introduction

1.1 Summary

This Conservation Area Appraisal and Management Plan provides an overview of the Great Oakley Conservation Area, outlining its designation history and a description of its special interest. The appraisal will also consider buildings, open spaces, and features which contribute to the Conservation Area's character and appearance.

Conservation Area designation provides broader protection than the listing of individual buildings as it recognises all features within the area which form part of its character and appearance and ensures that planning decisions take the enhancement and preservation of the area into consideration.

Great Oakley's significance is predominantly derived from its historic interest as a small, rural market village. Its special interest derives from the architectural interest of the tightly knit pattern of vernacular houses clustered around the central marketplace, reflecting the area's medieval origins.



Figure 2 Great Oakley Conservation Area central marketplace



1.2 Conserving Great Oakley's Heritage

Tendring District Council appointed Place Services to prepare a Conservation Area Appraisal for Great Oakley. This document is provided as baseline information to support the long-term conservation of Great Oakley's heritage. The appraisal will also consider the significance of heritage assets within the area and the contribution that these, along with their setting, make to the character of the area. The understanding of significance will be used to assess the susceptibility of the Conservation Area to new development, highlighting key assets of importance. Please refer to Section 1.3 for the appraisal's purpose and details on what it will consider.

1.3 Purpose of Appraisal

This document is to be used as a baseline to inform future change, development and design with regard to the sensitivities of the historic environment and its unique character and appearance.

The appraisal recognises designated and non-designated heritage assets within the Conservation Area which contribute to its special interest. It will consider how Great Oakley came to be developed, the building styles, forms, materials, scale, density, roads, footpaths, alleys, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities will be used to assess the key characteristics of the area, highlighting the potential impact future developments may have upon the significance of heritage assets and the character of Great Oakley. This assessment is based on information derived from documentary research and analysis, as well as a review of the previous Conservation Area Appraisal for the area (2006).

This appraisal will enhance understanding of Great Oakley and its development, informing future design. Applications that demonstrate an understanding of the character and appearance of a Conservation Area are more likely to produce appropriate and responsive design with positive outcomes for agents and their clients.

It is expected that applications for planning permission will also consult and follow the national guidance outlined in Section 6.3.



1.4 Frequently Asked Questions

What is a conservation area?

Conservation areas are designated by the Local Planning Authority as areas of special architectural or historic interest. There are many different types of conservation area, which vary in size and character, and range from historic town centres to country houses set in historic parks. Conservation area designation introduces additional planning controls and considerations, which exist to protect an area's special character and appearance and the features that make it unique and distinctive. Although designation introduces controls over the way that owners can develop their properties, it is generally considered that these controls are beneficial as they preserve and/or enhance the value of properties within conservation areas.

The designation process includes detailed analysis of the proposed conservation area and adoption by Tendring Council. A review process should be periodically undertaken, and the Conservation Area assessed to safeguard that it retains special architectural or historic interest. Threats can be identified, and the boundary reviewed, to ensure it is still relevant and appropriate. This is in line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The National Planning Policy Framework regards conservation areas as 'designated heritage assets.'

How are conservation areas managed?

Conservation areas can be supported by an appraisal and management plan. This document is the appraisal and management plan for the Great Oakley Conservation Area. The appraisal describes the importance of an area in terms of its character, architecture, history, development form and landscaping. The management plan, included within the appraisal, sets out various positive proposals to improve, enhance and protect the character and appearance of the Conservation Area.

The 1990 Planning (Listed Buildings and Conservation Areas) Act specifies the general duty of Local Authorities, in the exercise of planning functions (Sections 71 and 72). The 1990 Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

How can I find out if I live in a Conservation Area?

Boundary maps of conservation areas can be found on Tendring District Council's [website](#). You can also contact your Tendring Council directly to find out if you reside within a conservation area.



What are the Council's duties regarding development in conservation areas?

The Local Authority must follow the guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out in clear terms how development proposals within conservation areas should be considered on the basis of whether they preserve and enhance the character and appearance of the area. Applications which fail to preserve or enhance the character or appearance of the Conservation Area are likely to be refused as a result. The Local Plan also typically includes a specific policy on Conservation Areas; for more information, please see Section 1.5 which includes an outline of Tendring's local policy.

What is an Article 4 Direction?

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, certain minor works, such as domestic alterations, can normally be carried out without planning permission. However, some conservation areas are covered by an Article 4 Direction, which brings certain types of development back under the control of a local planning authority. This allows potentially harmful proposals to be considered on a case by case basis through planning applications. Article 4 Directions are used to control works that could threaten the character or appearance of an area and a planning application may be required for development that would otherwise have been permitted development. Historic England provides information on Article 4 Directions on their [website](#).

There are currently no Article 4 Directions in place within the Great Oakley Conservation Area.

Do I need permission to alter a property in a conservation area?

Many conservation areas have an Article 4 Direction which relate to alterations such as the painting, rendering or cladding of external walls. Alterations or extensions to buildings in conservation areas will generally need planning permission. Your Local Authority should be consulted for advice as to how to proceed.

Do I need to make an application for routine maintenance work?

If routine maintenance works are to be carried out using authentic materials and traditional craft techniques, on a like-for-like basis, it is unlikely that you will need to apply for permission from the Council. However, it is recommended that you contact Tendring Council for clarification before commencing any works. The use of a contractor with the necessary skills and experience of working on historic buildings is essential. Inappropriate maintenance works and the use of the wrong materials will cause damage to the fabric of a historic building.



Will I need to apply for permission for a new or replacement garage, fence, boundary wall or garden structure?

Any demolition, development or construction in conservation areas will generally need planning permission. A replacement boundary, garage, cartlodge or greenhouse will need to be designed with the special historic and architectural interest of the Conservation Area in mind. Your Local Authority will provide advice as to how to proceed with an application.

Can I demolish a building in a conservation area?

Demolition or substantial removal of part of a building within a conservation area will usually require permission from the Council. It is important to speak to them before beginning any demolition works, to clarify if permission is required.

Can I remove a tree within a conservation area?

If you are thinking of cutting down a tree or doing any pruning work, the local planning authority must be notified 6 weeks before any work begins. This enables the authority to assess the contribution the tree makes to the character of the conservation area and, if necessary, create a Tree Preservation Order (TPO) to protect it. Consent will be required for any works to trees that are protected. Further information on TPOs can be found on Historic England's [website](#).

How do I find out more about a conservation area?

Historic England's website has information on conservation areas and their designation. Further information on the importance of conservation areas, and what it means to live in one, can also be accessed via their [website](#).

Historic England has also published an [advice note](#) called Conservation Area Designation, Appraisal and Management which sets out advice on the appraisal of conservation areas and managing change in conservation areas.

In addition, Tendring Council has information on the conservation areas within their boundaries available on their [website](#). They have information pertaining to when the Great Oakley Conservation Area was designated, how far it extends and the reason for its designation.



1.5 Planning Policy and Guidance

The legislative framework for conservation and enhancement of Conservation Areas and Listed Buildings is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990). In particular section 69 of this act requires Local Planning Authorities to designate areas which they consider to be of architectural or historic interest as Conservation Areas, and Section 72 requires that special attention should be paid to ensuring that the character and appearance of these areas is preserved or enhanced. Section 71 also requires the Local Planning Authority to formulate and publish proposal for the preservation and enhancement of these areas.

The National Planning Policy Framework (NPPF) highlights good design as one of twelve core principals of sustainable development. Sustainable development relies on sympathetic design, achieved through an understanding of context, the immediate and larger character of the area in which new development is sited.

National planning policy in relation to the conservation and enhancement of heritage assets is outlined in Chapter 16 of the Government's National Planning Policy Framework (DCLG 2021).

This assessment follows best practice guidance, including Historic England's revised *Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management* (2018) and *Good Practice Advice in Planning: 3 The Setting of Heritage Assets* (2017).

The Great Oakley Conservation Area is located within Tendring District. Local planning policy is set out in the Tendring District Local Plan 2013-2033 and Beyond. North Essex Authorities' Shared Strategic Section 1 of the Plan was formally adopted on 26 January 2021 and Section 2 was adopted on 25 January 2022.

Policies which are relevant to heritage assets include:

SPL 3 – Sustainable Design
PPL 3 – The Rural Landscape
PPL 7 – Archaeology
PPL 8 – Conservation Areas
PPL 9 – Listed Buildings

1.6 Designation of the Conservation Area

Great Oakley Conservation Area was first designated in 1973. The boundary was slightly amended in 1982, omitting the modern housing on the site of the Corn Mill from the Conservation Area.

The Conservation Area occupies the historic core of the village, clustered around the High Street, Queen Street, Back Lane and Farm Road. The western boundary runs along the rear boundaries of modern bungalows on the east side of Hamford Drive. The eastern boundary includes the modern development at Maltings Farm. The north and south boundaries mark the transition from the settlement to the surrounding agricultural land. An appraisal was adopted in 2006.

2. Great Oakley Conservation Area

2.1 Context and General Character

Great Oakley is located in the north-east of Tendring District. It is situated on a gently undulating plateau in an agricultural landscape of fields, pasture and pockets of ancient woodland.

The historic settlement of Great Oakley lies to the south of Ramsey Creek, which runs to the north-east towards Harwich, draining into the Stour estuary. The district is characterised by dispersed farmsteads and small hamlets. Great Oakley is historically unusual in this area of Tendring as an early nucleated village settlement, with a market recorded from the mid-thirteenth century. The church, which occupies an isolated plot to the west of the historic village, has twelfth century origins.

Post-war ribbon development along the Harwich Road (B1414) has diluted the character of the settlement, so it is now experienced as predominantly linear, stretched out along the main road, although the historic extents of the village can still be appreciated in views from the north and south. The Conservation Area covers the historic core of the village.



Figure 3 Aerial view of Great Oakley



2.2 Origin and Evolution

The following section provides an overview of the history of Great Oakley and its environs.

Prehistory (-500000BC – 43AD)

Evidence for prehistoric archaeology within the area surrounding Great Oakley village is largely derived from historic sources and aerial photography. They include a significant find of a Bronze Age battle axe recorded from the area around Great Oakley Hall and possible burial urn. Although evidence for Bronze Age occupation (2200AD – 700 BC) is particularly prevalent within the Tendring district, no settlement activity is recorded from within, or in the areas, surrounding the Conservation Area. However, aerial photographic evidence, recorded as cropmarks within the fields, indicates prehistoric burial and agricultural activity.

Roman (43 – 410)

Artefacts recovered from the fields surrounding the Conservation Area suggest there may have been some evidence for permanent settlement during the Late Iron Age and Roman period. Coins, brooches, knives, keys and beads have been recorded with more tangible evidence recovered at Great Oakley Hall, to the north-east of the Conservation Area. Near Great Oakley Dock, to the south-east of the Conservation Area, the structural remains of salt making sites, known as 'red hills' survive, which are likely to be associated with nearby settlement in the wider area.

Early Medieval (410 – 1066)

Surviving evidence for Anglo-Saxon settlement and activity is generally rare within the region, and no Anglo-Saxon material has been recovered from within or in the vicinity of the Conservation Area. However, the entry for 'Oakley' in the Domesday book (1086) records the manor in 1066 as containing 12 villagers, 20 smallholders and 10 slaves. The place name of "Oakley" is derived from an Anglo-Saxon word meaning 'oak clearing'.

Medieval (1066 – 1540)

The village of Great Oakley lies along a historic route linking to the historic medieval port and town at Harwich. The medieval village was concentrated around an elongated market square located along the High Street. The surviving listed buildings provide the earliest known evidence of substantial activity within the Conservation Area dating from the fourteenth century. The settlement plan does not conform to a typical Essex medieval village as the Church and manorial hall lay at opposing ends of the village, rather than being located close to each other, as is more usual within rural Essex. The Church dates to the twelfth century and stands apart from the village to the south-west. The manorial Great Oakley Hall is located some distance to the north-east of the village and lies within a moated site, which is likely medieval in origin.

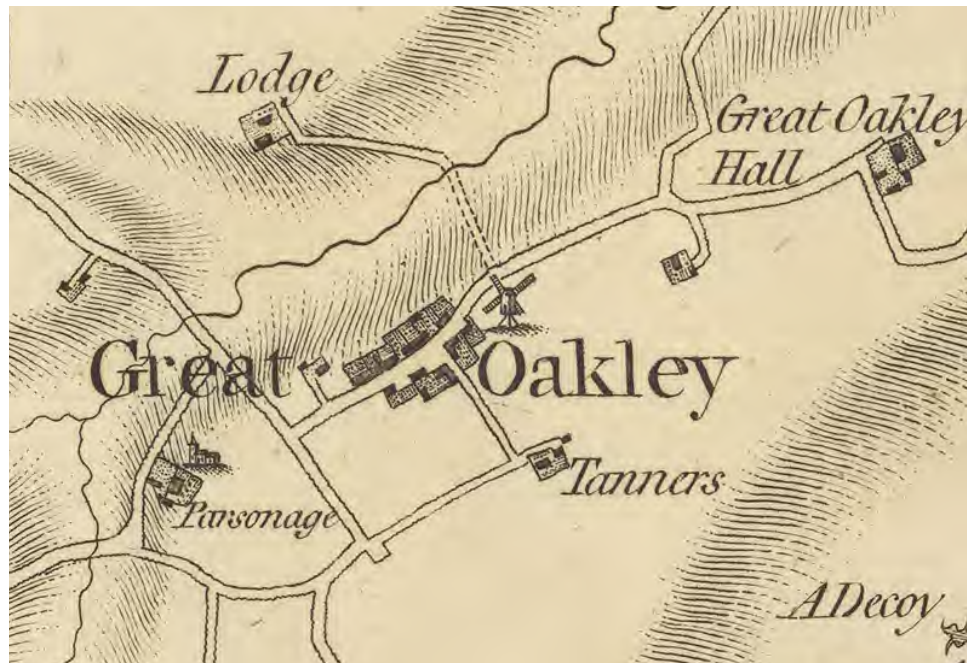


Figure 4 Chapman and Andre map, 1777

Post Medieval (1540 – 1901)

By the post medieval period, a small-scale road network had developed parallel and to the south of the High Street. The Chapman and André map of 1777 (Figure 4) depicts a tightly clustered village around the marketplace on the High Street. A mill is shown at the north-east end of the village (just beyond the boundary of the Conservation Area today); the eighteenth-century Mill House survives within the Conservation Area and is listed at Grade II (list entry no: 1112135).

The only evidence for post medieval activity within and surrounding the Conservation Area survives in built form; several listed buildings survive from the seventeenth to eighteenth century including the former Post Office and Village Shop (list entry no: 1391206) and Holly Trees (list entry no: 1322594). The Chapman and André map shows the church and parsonage distinct from the main settlement, located close together within a field to the south-west of the village. Several dispersed farmsteads are located within the wider agricultural landscape including the Lodge to the north of Great Oakley and Tanners to the south.



Figure 5 Tithe map, 1840 '© Crown Copyright Images reproduced by courtesy of The National Archives, London, England. www.NationalArchives.gov.uk & www.TheGenealogist.co.uk'

The 1840 tithe map (Figure 5) shows that the village had expanded but retained its tightly clustered form around the High Street and Farm Road. Several buildings have been constructed in the centre of the marketplace, forming a central island site, including Whispers, now listed at Grade II (list entry no: 1308597).

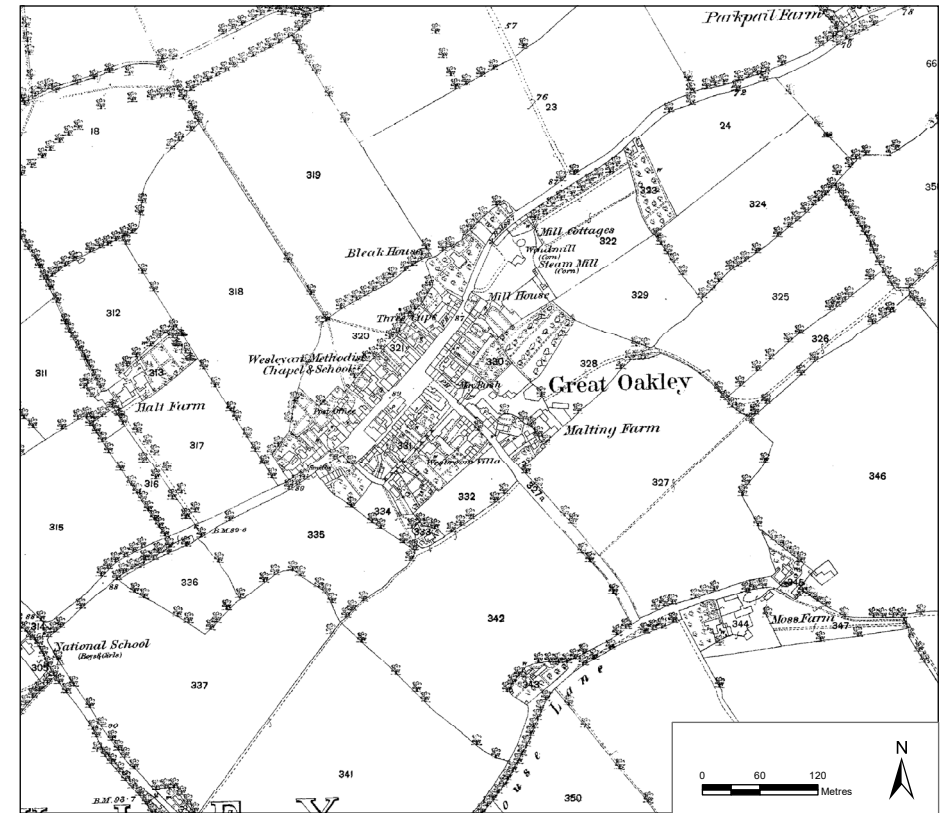


Figure 6 First edition Ordnance Survey map, 1897

By the time of the 1897 Ordnance Survey (OS) map (Figure 6), the village had acquired both a Wesleyan Methodist Chapel and schoolhouse, and a Primitive Methodist Chapel. A school had been built near the church at the junction of Wix Road and Beaumont Road, while the workhouse was located outside the village core at the junction of Pesthouse Lane and Beaumont Road.



Figure 7 Historic image of Great Oakley High Street looking west c.1900

Within the village, there are two smithies shown on the map, plus two public houses: the Three Cups and the Maybush (both labelled as hotels). The name of the Three Cups, the emblem of the Salters Company, indicates that there were salt works in the area, as the village lies near to the salt marshes around Hamford Water. At the north-east end of the village are shown a windmill and steam mill for grinding corn. At the turn of the century, Great Oakley was a busy agricultural hub, with a Post Office, public houses, breweries, slaughterhouses, butchers and blacksmiths.

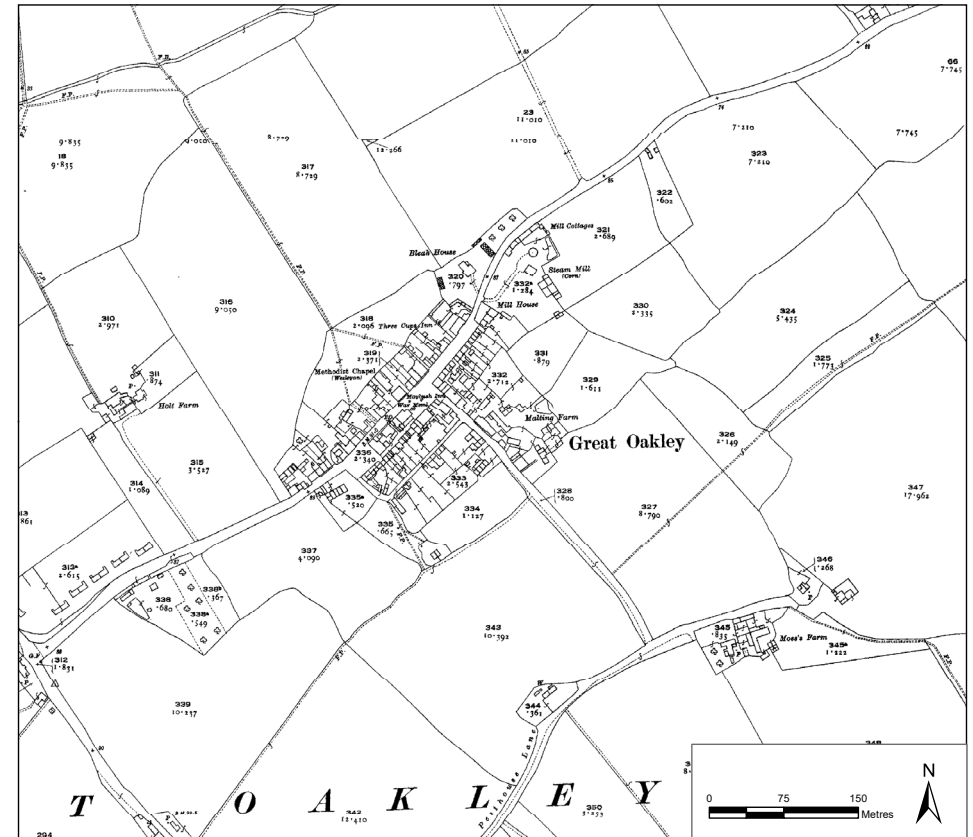


Figure 8 Second edition Ordnance Survey map, 1897



Figure 9 Ordnance Survey map, 1967

Modern (1901 – now)

In the early twentieth century, the village began to expand with ribbon development along the main road. The 1923 OS map (Figure 8) shows a row of six 1920s semi-detached houses on the north side of the Harwich Road by the junction with Wix Road.

Military sources show that Great Oakley was defended by a number of fortifications during the Second World War. Within the Conservation Area, these included pillboxes, barbed wire, gun positions and spigot mortar emplacements. Many of these have been destroyed, however, one pillbox survives in good condition in the garden of Apple Tree Cottage, close to the main road at the west end of the village.

In the post-war period, further expansion occurred. By the time of the 1967 OS map (Figure 9), ribbon development was scattered along both the north and south sides of the Harwich Road stretching nearly as far as Great Oakley Hall, diluting the strong nucleus of the historic core. A Police House, garage and sewage works are shown.



Further development occurred in the later twentieth and early twenty-first centuries. This includes some modern infill development within the historic core, in particular at the north-east corner on the site of the former corn mill and at the south end of the Conservation Area.

2.3 Revisions to the Boundary

As part of this review, the Conservation Area boundary has been reviewed to reflect good practice and provide a clearer strategy which acknowledges the practicalities of Great Oakley's unique built environment, in line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF guidance on Conservation Areas, paragraph 191.

The boundary underwent a minor revision in 1982. The Conservation Area boundary was adjusted to run along the south side of the High Street and the north-east boundary of Mill House, omitting the late twentieth century housing on the former site of the Corn Mill from the Conservation Area.

The Conservation Area covers the historic core of Great Oakley. While there have been some clusters of modern development within the area, especially at the southern end and the eastern Maltings Farm development, it is considered that the hedges with open fields beyond provide a natural boundary to the Conservation Area and these areas should, therefore, remain within the boundary of the Conservation Area. As such, as part of this boundary review, it is recommended that the boundary remains as existing, with no changes.

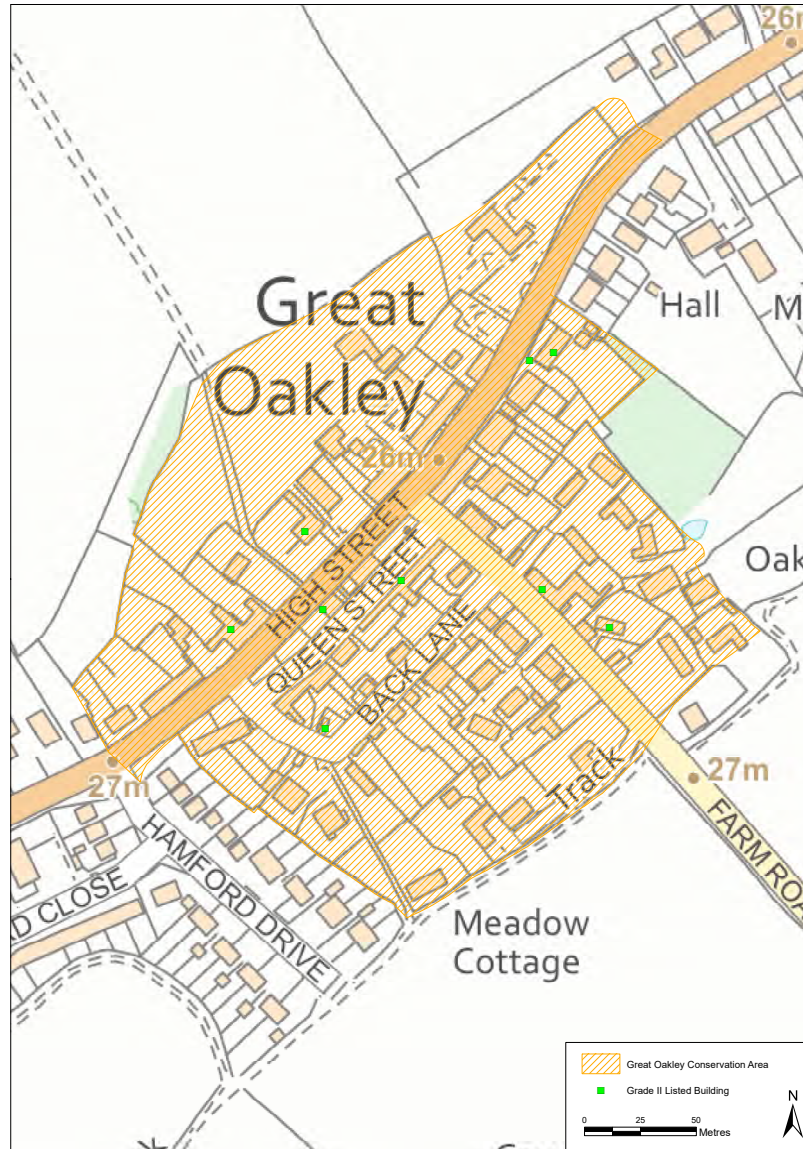


Figure 10 Map of Designated Heritage Assets

2.4 Designated Heritage Assets

There are nine designated heritage assets within the Great Oakley Conservation Area boundary, all of which are listed at Grade II. The list entry for “Pett’s Cottage, Armond House and House Immediately to the north-east” covers three properties within a single designation. A full list of all the designated assets within the Conservation Area, including their list descriptions, is provided in Appendix 6.1.

The designated heritage assets are mostly domestic houses and cottages, such as Old Scantlings and Holly Trees, but also include the former Post Office and Village Shop and a telephone kiosk adjacent to Mill House.

Designated heritage assets within the Great Oakley Conservation Area:

- Maltings Farmhouse (Grade II; list entry no: 1147224)
- Pett’s Cottage, Armond House and House Immediately to North East (Grade II; list entry no: 1147280)
- Old Scantlings (Grade II; list entry no: 1322632)
- Whispers (Grade II; list entry no: 1308597)
- Mill House (Grade II; list entry no: 1112135)
- Post Office and Village Shop (Grade II; list entry no: 1391206)
- Holly Trees (Grade II; list entry no: 1322594)
- Florence Cottage (Grade II; list entry no: 1147218)
- K6 Telephone Kiosk Adjacent to Mill House (Grade II; list entry no: 1264047)



Figure 11 Post Office & Village Shop



Figure 12 Old Scantlings



Figure 13 Pett's Cottage, Armond House and House Immediately to North East



Figure 14 Whispers



Figure 15 K6 Telephone Kiosk by Mill House

These buildings, structures and features have been listed due to their special architectural or historic interest as defined by Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and *Principles of Selection for Listed Buildings* (The Department for Digital, Culture, Media and Sport, 2018). Further information about the listing process can be found on the Historic England [website](#).



Listed Buildings and features

The rarer and older a building is, the more likely it is to be listed. As a general principle, all buildings that pre-date 1700 and are in a relatively intact condition will be listed, as will all buildings that date between 1750 and 1850. The selectivity is increased for buildings that date between 1850 and 1945. There is a strict criterion for buildings built after 1945; buildings less than thirty years old are unlikely to be listed unless they have been deemed as exceptional examples of their type.

Listed buildings are considered under three Grades in England. Grade I listed buildings are of exceptional interest and make up approximately 2.5% of all listings; Grade II* listed buildings are of more than special interest and constitute 5.8% of listed buildings; Grade II listings are of special interest and most common, making up 91.7% of all listings.¹

Listed buildings are protected by government legislation and there are policies in place to ensure that any alterations to a listed building will not affect its special interest. It is possible to alter, extend or demolish a listed building but this requires listed building consent and sometimes planning permission.

Great Oakley contains a number of listed buildings which reinforces its special interest as an historic settlement. The earliest listed building within the Conservation Area dates from the fifteenth century. There is a preponderance of houses dating from the seventeenth and eighteenth centuries, often with later phases reflecting a history of additions and alterations, reflecting a period of prosperity for the village. The twentieth century is represented by the listed telephone kiosk.

The majority of listed buildings are in residential use, reflecting Great Oakley's history as a small market village. The variety of the building ages provides a rich and layered representation of the development of domestic English vernacular architecture. It demonstrates how the town has developed and altered over time and reflects the long history of Great Oakley as an historic settlement.

¹ Historic England, Listed Buildings <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>

2.5 Non-Designated Heritage Assets

Every building, space and feature within a conservation area makes a contribution to its character and special interest, be it positive, neutral or negative.

There are many positive buildings within the Conservation Area that contribute to the Conservation Area's significance. The buildings that reflect local character and distinctiveness collectively define the character and appearance of the Conservation Area and make a positive contribution to its special interest.

The following buildings, located in character area one, have been identified as key unlisted buildings by virtue of their derivation, scale, form and appearance.

Heritage assets are defined in Planning Policy as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.'²

Not all heritage assets are listed, and just because a building is not included on the list does not mean it is of no heritage value. Buildings and other structures of the built environment such as fountains, railings, signs and landscaping can make a positive contribution to the appreciation of an area's historic interest and its general appearance.

Local listing is an important tool for local planning authorities to identify non-listed buildings and heritage assets which make a positive contribution to the local area. At present there is no approved local list for Tendring District.

² NPPF, p67

This document has identified key unlisted heritage assets which, by virtue of their derivation, form and appearance, make a positive contribution to the Conservation Area and could be considered for local listing in the future; these are identified in the analysis of character in Section 3 of this appraisal and are summarised below. This list is not exhaustive, and further buildings may be identified as non-designated heritage assets through the planning application process.

Buildings and features within the Conservation Area which are considered to be non-designated heritage assets include:

- The Three Cups, High Street
- Mill House Cottages (2 – 5 High Street)
- Cambria House, High Street
- Apple Tree Cottage and No. 2, High Street
- Pillbox outside Apple Tree Cottage, High Street
- Romaric, Queen Street
- The Maybush Inn, Farm Road



Figure 16 Pillbox outside Apple Tree Cottage, High Street



Figure 17 Mill House Cottages (2-5 High Street)



Figure 18 The Three Cups, High Street



Figure 19 The Maybush Inn, Farm Road



2.6 Heritage at Risk

The Historic England Heritage at Risk Register includes Grade I or Grade II* listed buildings and monuments, Grade II listed places of worship, and conservation areas that have been assessed and found to be at risk.

There are no buildings or features within the Great Oakley Conservation Area which are on the Historic England Heritage at Risk register.

2.7 Archaeological Potential

There has been no recorded archaeological fieldwork within or surrounding the Conservation Area. Much of the information on the archaeology of the area is based on findspot evidence, aerial photography, and historic mapping.

The survival of the medieval and post medieval street plan of Great Oakley, and the listed buildings are an important, well-preserved resource. Few areas of open ground survive within the nucleated village, however there is an area of undeveloped land north of the High Street. Open areas within the Conservation Area are likely to contain evidence relating to the historic settlement; historic mapping shows that some buildings predating c.1840 had been demolished by the late nineteenth century. Medieval and later settlement evidence is more likely to be sited along the street frontage; the garden areas may also contain evidence for ancillary activity, such as wells, cess-pits, yards and middens, as well as small-scale industrial activity.

The soils within the Conservation Area are likely to be acidic in places and not beneficial to the survival of bone or organic material, however there is likely to be good survival of pottery, ceramic material and metal.

3. Assessment of Significance

3.1 Character Analysis

Summary

Great Oakley is a small, compact and predominantly residential conservation area. It is unusual within Tendring District as an early nucleated village, clustered around the central marketplace, rather than being a dispersed settlement around a green or along a road. Few villages of this size would have had a marketplace, as these are more commonly associated with larger towns, suggesting that Great Oakley was likely to have been a focal point in the surrounding agricultural districts because of its market. The core of the Conservation Area is a tightly knit pattern of vernacular houses, grouped around the small scale road network, which developed parallel and to the south of the main road, reflecting the area's medieval origins and historic development.

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Figure 21 View looking north-east along Queen Street



Figure 20 View of the Maybush Inn looking south-east down Farm Road



Figure 22 Great Oakley High Street looking south-west



Figure 23 Apple Tree Cottage and No. 2, High Street with pillbox in foreground

The core of the Conservation Area is characterised by a good survival of historic buildings, nine of which are listed at Grade II. Buildings within the Conservation Area are predominantly one and a half or two storeys in height. The majority are timber-framed and rendered, but there are also examples of red brick construction. Render colours are varied including pale green, salmon pink and cream, but they are predominantly muted, pastel shades. There is a varied roofscape across the Conservation Area with several thatched buildings reflecting the local vernacular. The majority of houses are covered with clay tiles. There are also examples of pantiles, especially on outbuildings, and slate roof coverings.

Many buildings front directly onto the pavement, creating a dense streetscape. Some houses are set back from the street, behind front gardens, such as Grade II listed Holly Trees. Private gardens provide welcome patches of greenery, which help to soften the streetscape and make a positive contribution to the rural, green character and appearance of the area.

Land Usage

The Conservation Area is predominantly residential. There are a handful of commercial buildings remaining, including a convenience store on the High Street, the Maybush Inn (a community owned pub), and the One Stop Steel Shop next to Forge Cottage on the High Street, previously a garage services business.

The former Wesleyan Methodist Chapel was converted into residential use in c. 2010 and is now called the Old Prayer House. The former Three Cups pub, a substantial red brick building of six bays at the eastern end of the High Street, is also now in residential use.

At the time of the 1897 Ordnance Survey map (Figure 6), Great Oakley is shown as a bustling commercial centre, with two smithies, two hotels/public houses, a steam mill and a windmill for corn, a Post Office and two Methodist Chapels. The subsequent decline in business and community uses reflects changing employment patterns in the wider district, the availability of personal transport and the concentration of shopping uses into larger towns.

Landscaping, Open Spaces and Public Realm

The marketplace forms the core of the Conservation Area. Historically it was an open space surrounded by buildings, as shown on the 1777 Chapman and André map (Figure 4). By the time of the tithe apportionment in 1840 (Figure 5), several buildings had been constructed on a central island, splitting the marketplace in two. One of these buildings, Whispers, is now Grade II listed.

Today, the open space is still legible to the east and west of the central island, although it is now given over to parking. The surface finish is tarmac with a paved brick strip around the war memorial with a bench and some planters.



Figure 24 Great Oakley central marketplace

Two lantern-type streetlights add to the historic character of the central square. The open space of the marketplace contributes positively to the character and appearance of the Conservation Area as a historic market village and provides a setting for the attractive cluster of surrounding historic buildings grouped around the market square.

The main form of landscaping within the Conservation Area is derived from private gardens of residential houses. These provide welcome patches of greenery, including some mature trees and hedges, which help to soften the streetscape. These gardens make a positive contribution to the rural, green character and appearance of the area; the domestic landscaping reflects the residential character of the Conservation Area.



Figure 25 Holly Tree House, High Street. Private gardens make an important contribution to the rural, green character of the Conservation Area



Figure 26 The gravelled yard in front of the former Methodist Church, opposite the central marketplace

At the east end of the High Street, the majority of buildings front directly onto the road, creating a dense urban realm. Where modern buildings on the north side of the road are set back, the front gardens are typically narrow strips with a few shrubs.

Towards the west end of the High Street, there are several buildings which are set well back from the road with front gardens or yards. Apple Tree Cottage, No.2 and Oaklands, on the south side of the High Street, have generous front gardens with grassed areas and some mature trees providing an attractive gateway to the Conservation Area. The back garden of Whispers, in the central island between the High Street and Queen Street, comprises of mature vegetation, which provides an important focal point in the approach to the Conservation Area from the south-west. The mature planting softens the streetscape and provides a green oasis in the centre of the Conservation Area, contributing to the character of the High Street and Queen Street.

Holly Tree House and Oakleigh on the north side of the High Street are set back behind long front gardens with lawns and several mature trees, adding to the looser grain and more rural character of this part of the High Street. In contrast, the front yard of the former Methodist Church lacks any vegetation. Historically, there were buildings fronting onto the High Street here, but these were subsequently cleared, and the area became a front garden for the church. It was gravelled over when the building was converted into residential use, creating an unattractive area of hard landscaping opposite the marketplace. The lack of greenery creates a featureless gap site at the centre of the Conservation Area, detracting from its character.

Along Back Lane, small private gardens, set behind low hedges and fences, provide pockets of greenery, punctuating the streetscape. In some places, garden space has been paved over for car parking, which is a detracting element, but the Conservation Area generally retains a verdant green character, typical of a historic rural village.

Beyond the historic core of High Street, Queen Street and Back Lane, there is a looser grain of development, with detached houses set within more generous plots. At the northern edge of the Conservation Area, large private gardens form a green buffer, with mature hedgerows bordering the agricultural fields beyond.



Figure 27 Vernacular materials including painted render, weatherboarding, clay tiles and pantiles and red brick boundary walls

Local Building Materials and Details

The Conservation Area has a high density of historic buildings, especially along the south side of the High Street and around Queen Street and Back Lane. Therefore, the traditional and local building materials are predominantly historic in character.

Built form and materials

The majority of buildings within the Conservation Area are timber-framed and rendered, but there are also examples of red brick construction, such as the former Wesleyan Methodist Church or Mill House Cottages on the High Street, and weatherboarding, such as Grade II listed Florence Cottage on Back Lane.



Figure 28 Timber weatherboarding and clay pantiles on outbuilding with picket fencing

Weatherboarding is also used on some side elevations and gable ends, such as No. 6 High Street. Some brick buildings have been painted, such as Jessica, at the south-western end of the marketplace. Render colours are varied including pale green, salmon pink and cream, but they are predominantly muted, pastel shades. Roughcast render has been used on some buildings, such as Grade II listed Maltings Farm.

These traditional materials make a positive contribution to the historic character and appearance of the area and give the village a sense of cohesion. Some twentieth century buildings at the southern part of the Conservation Area introduce materials which are at odds with the local vernacular, such as yellow or buff brick and concrete tiles.



Figure 29 Grade II listed Florence Cottage with weatherboarded walls, clay pantile gambrel roof and boundary hedge

Roofscape and materials

Buildings within the Conservation Area are predominantly one and a half or two storeys in height; this contributes to the varied roofscape across the Conservation Area. There is also an assortment of different roof forms and materials. There are several thatched buildings within the Conservation Area, including No. 2 High Street, Rayners Cottage on Farm Road, and Grade II listed Old Scantlings, reflecting rustic vernacular architecture.



Figure 30 Grade II listed Maltings Farmhouse, a timber-framed and roughcast rendered house with fifteenth-century origins

The majority of buildings within the Conservation Area are covered with clay plain tiles, some of which have been replaced with modern concrete tiles, which detract from the architectural interest of the Conservation Area. Clay pantiles are also evident, especially on outbuildings such as on the single storey outbuilding by Whispers on the High Street. Slate is used on a number of nineteenth century buildings such as those at the eastern end of the High Street and is also present on some twentieth century buildings. Some later twentieth century buildings, such as Kimberleigh on Farm Road, are covered with concrete tiles, which detract from the vernacular character of the Conservation Area.

Roofs are pitched, several with attractive gambrel roofs, such as Grade II listed Florence Cottage, Holly Trees and Larch House. Other vernacular details include gablets on Grade II listed Maltings Farmhouse.

Rooflights are not a feature of the historic roofscape and are mostly absent within the Conservation Area. Where rooflights have been introduced on more modern infill buildings, they detract from the historic character of the area.

Doors and windows

Many buildings display modest historic detailing, such as timber sash or casement windows and dormers. Rose Cottage on Back Lane possesses an attractive pair of shallow curved bay windows. Brick buildings display features including decorative brick banding, flat or arched brick lintels over windows and doorways, and decorative toothed brick cornices. While many buildings have had modern porches added, there are a number of surviving historic doorways with narrow projecting porches, often supported by decorative brackets, such as on Grade II listed Mill House.

Across the Conservation Area, many of the traditional timber windows and doors have been replaced with uPVC, which undermines the historic character of the area. This is particularly apparent on the Red House by the marketplace at the corner of the High Street and Farm Road; as a focal building in views along the High Street, the introduction of unsympathetic uPVC windows makes a negative contribution to the character of the Conservation Area.

Boundary treatments

There is a variety of boundary treatments within the Conservation Area, giving little consistency to the streetscape. Traditional boundary treatments are dwarf walls in red brick, low picket fencing and hedgerows, which make a positive contribution to the rural character of the Conservation Area.

There are also examples of iron railings, a more urban style of boundary treatment, but often softened with planting behind, which helps to provide greenery to the streetscape.

There are also examples of close boarded fencing, a twentieth century boundary treatment which makes a negative contribution to the historic character of the area when applied to front boundaries, such as by Coy Cottage on Farm Road, but is generally neutral when surrounding back gardens.



Figure 31 Grade II listed Mill House



Figure 32 Cambria House, High Street

Contribution by Key Unlisted Buildings

There are numerous buildings that contribute positively to the character and appearance of the area; however, some are considered to make a key contribution. These have been listed in Section 2.5 and are discussed below.

Maybush Inn

The Maybush Inn was first recorded in 1769. It is of vernacular construction with six bays and a clay tiled roof, but the façade has been reworked with render panels separated by courses and vertical strips of bricks, now all painted one colour, which obscures this architectural detail. Its architectural interest has been eroded with the replacement of the traditional timber windows with unsympathetic uPVC units, but as the last operational public house in the village, it possesses historic and communal interest as a focal point for the local community. In 2016 it was taken on by the local community and is run as a co-operative pub.

Three Cups

The former Three Cups public house is located at the eastern end of the High Street and is now in residential use. It is a substantial red brick building of six bays with plain white rendered gables and canted bay window. It possesses historic interest as a former public house and hotel, illustrating the historic development of the village. The name refers to the emblem of the Salters' Company, reflecting the importance of salt production as a local industry. It is a large but rather austere Victorian building, which provides an effective termination of the north side of the High Street, but its architectural interest has been undermined by the replacement of all its windows with uPVC units and a modern slate roof.

Apple Tree Cottage and No. 2, High Street

Apple Tree Cottage and No.2 High Street are an attractive pair of vernacular cottages at the western gateway of the Conservation Area. They are timber-framed and plastered with multi-paned timber sash windows and pitched dormers. The roof of No. 2 is thatched. Their well-stocked front gardens surrounded by rustic picket fencing contribute to the rural charm of the area. The interest of Apple Tree Cottage is heightened by the survival of the Second World War pillbox in its front garden.

Pillbox

The Second World War pillbox which survives in the garden of Apple Tree Cottage has been identified as a particularly good example with rare surviving features including, uniquely in Essex, part of the cable barrier anchored through the side wall. On grounds of condition, location, typicality of type and rarity of the integral anti-tank feature, every effort should be made to ensure the continued survival of this important part of local history and heritage.

Mill House Cottages (2 – 5 High Street)

Mill House Cottages are a range of four red brick cottages at the eastern end of the Conservation Area. Each is two bays wide, with simple detailing, such as rubbed brick lintels over windows and doorways, under a slate roof with red brick chimneys. The group is well-preserved and retains their timber sash windows and timber six-panelled doors, preserving the uniformity of this modest terrace.

Romarc, Queen Street

Romarc is a well-preserved vernacular cottage of two storeys with a rendered elevation and clay pantile roof. The historic six-panelled front door is surmounted with a triangular pediment resting on brackets which adds architectural interest to the front elevation. The attractive vernacular detailing makes a positive contribution to the character of the area. It shares pan tiled roof and picket fencing around the narrow front garden with its neighbour, whose architectural interest has been eroded with the loss of its original windows and front door.



Figure 33 Romarc and neighbouring houses, Queen Street



Figure 34 Pillbox outside Apple Tree Cottage, High Street



Cambria House, High Street

Cambria House occupies a prominent position in the Conservation Area at the eastern apex of the central island by the marketplace. It is a substantial building of three bays with a colour-washed rendered façade and double-pile hipped clay tile roof with red brick chimneys. It retains its historic timber sash windows, six-panelled door and narrow porch resting on decorative brackets. It makes a positive contribution to the character of the area because of its architectural detailing and prominence within the Conservation Area. There have been some unsympathetic alterations such as a damp-proof course injected into the brick plinth and the removal of the historic red brick boundary wall facing the High Street to facilitate parking, reducing the sense of enclosure and creating an awkward gap site.

Other positive contributors

In addition to those above, which could be considered for local listing in the future, the following buildings are considered to be important contributors to the character and appearance of the Conservation Area.

Former Methodist Church, High Street

The former Methodist Church with associated cottage on the High Street forms an interesting grouping and possesses communal significance as a former Wesleyan Methodist Chapel. The cottage is an attractive brick building, of two storeys with small-paned casement windows and a tall central stack. The original chapel is two storeys, with rendered walls under a hipped slate roof. A forward extension with a red brick gable is the most prominent feature from the street and is utilitarian in appearance. The conversion to residential has included some unfortunate alterations including the truncation of the round headed window facing onto the High Street and the paving over of the front yard.

Jessica, High Street

At the north-eastern end of the central island by Cambria House is Jessica, of unusual design, with a bold quadrant outer corner which was presumably a former entrance to commercial premises. Its architectural interest has been diminished by the insertion of unsympathetic uPVC windows and the overpainting of the exterior brickwork, but its prominence in the centre of the Conservation Area and distinctive design makes it a positive contributor to the character of the area.

Wesbroom Villas, Back Lane

Wesbroom Villas is a red brick building in Flemish bond of two-storeys with attics with eight-over-eight timber sash windows and a characterful tiled central porch supported by slender timber pillars with twinned front doors. It makes an elegant contribution to the streetscape of Back Lane.

Rayners Cottage, Farm Road

Rayners Cottage, the last house in the area down Farm Road, is a good example of a surviving vernacular cottage within the Conservation Area. It is timber-framed and plastered, of one storey with attics with a thatched roof and a modern tiled extension to the north. It is set well back from the road in a garden with mature trees, fronted by a modern brick wall with rendered panels and contributes positively through its modest vernacular architecture.

Surgery, High Street

The Surgery, marked on the 1897 Ordnance Survey map (Figure 6) as 'Bleak House', is a large two-storey, three-bay house of red brick with white brick dressings under a hipped slate roof with prominent original chimney stacks. It occupies an isolated position, set back from the roadway in a large plot at the gateway of the eastern edge of the Conservation Area, which sets it apart from its surroundings. While its appearance has been somewhat diminished by the insertion of uPVC windows, but the building is still considered to be of significance to the Conservation Area owing to its scale and architectural interest, although the prominent close-boarded fence detracts from the approach into the High Street.

3.2 Views

Key views are identified on Figure 35. The views included in this assessment are not exhaustive; for example, there are also glimpsed and kinetic views from streets and footpaths across the Conservation Area that contribute to the character and appearance, particularly those towards the agricultural landscape that forms its setting, and there may be other views of significance. Any proposals for development within the Conservation Area, or its environs, should consider the views below and any others which may be relevant or highlighted as part of a bespoke assessment of that proposal.

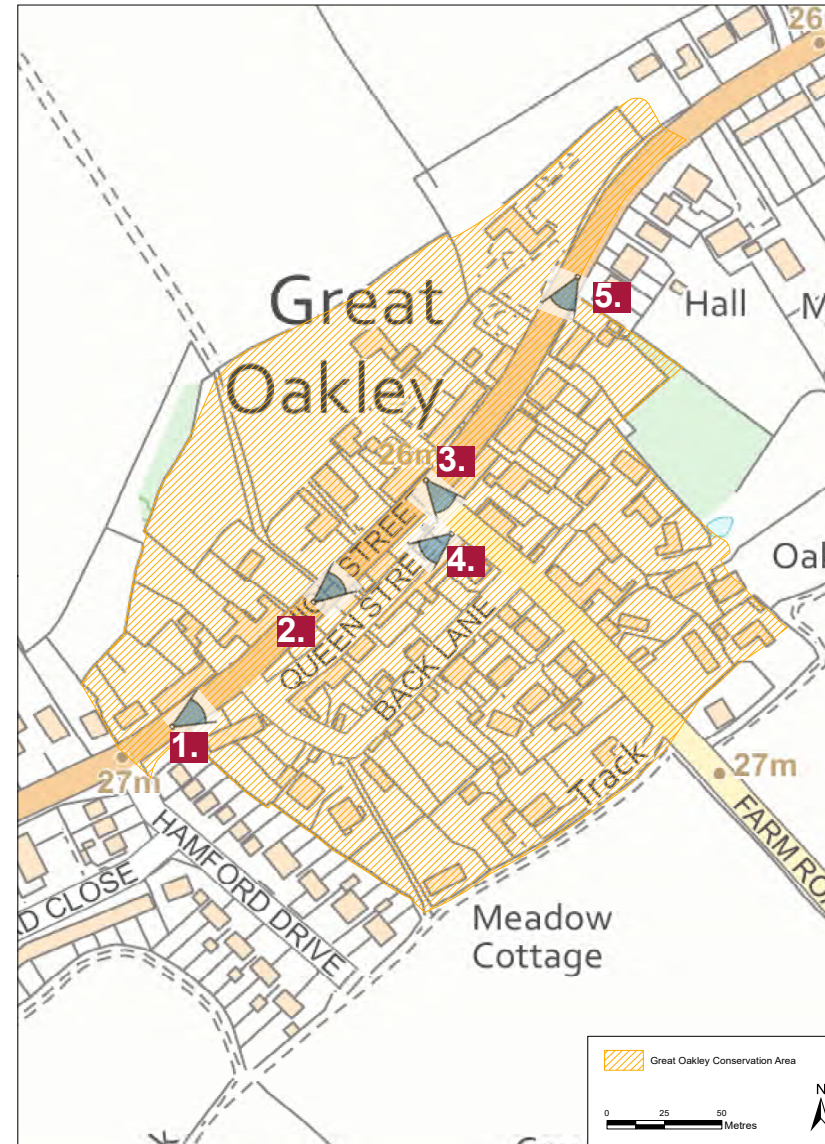


Figure 35 Key Views Map



Figure 36 North-east along the High Street

View 1: North-east along the High Street

This view is from the western edge of the Conservation Area. The cluster of vernacular buildings at this end of the High Street announces the transition of the historic core of the Conservation Area. In the foreground, the Second World War pill box is an interesting historic survival, while the mature vegetation in the front gardens of the south side of the High Street and the garden of Whispers provides welcome greenery, emphasising the rural charm of the Conservation Area.

View 2: East towards the marketplace and war memorial

This view is towards the historic marketplace and the heart of the Conservation Area. The different ages and styles of buildings, with their diversity of building heights, render colours and varied roofscape provides an attractive cluster of historic buildings grouped around the open marketplace. The Red House is a key building in this view, occupying a prominent corner position at the junction of High Street and Farm Road. Although in a degraded condition, it is a positive contributor because of its prominent location and vernacular architecture. The three-storey modern terrace on the north side of the marketplace, constructed of buff brick, is a dominating feature which detracts because of its height and uncharacteristic buff brick material.



Figure 37 South-east down Farm Road

View 3: South-east down Farm Road

This view down Farm Road is dominated by the Maybush Inn, a key unlisted building within the Conservation Area because of its history and long-standing community use. The rural character of the Conservation Area is expressed through the lack of pavement, the varied width of the roadway and the mature trees terminating the view. The deteriorated condition of the Red House on the corner and the gap site between it and the Maybush Inn are detracting features.



Figure 38 South-west along Queen Street

View 4: South-west along Queen Street

The focal point of this view is the war memorial flanked by cast iron bollards, giving the central square a sense of formality, although its setting is somewhat dominated by parked vehicles in the marketplace. On the south side of the marketplace is an important range of Grade II listed buildings: Larch House, Armond House and Pett's Cottage, a varied range with a complex development history. This view allows an appreciation of the vernacular character of the Conservation Area, expressed through the row of historic houses with their attractive detailing, the narrowness and informality of the carriageway, and glimpses through to other buildings, softened by incidental planting in private gardens.



Figure 39 South-west along High Street

View 5: South-west along High Street

In the foreground of this view is Grade II listed Mill House, which forms a charming entrance to the village from the north-east. Its characterful stepped parapet, historic red brick low front boundary wall and the mature trees in the front garden are important elements in the street scene. The gentle curve of the High Street draws the eye into the historic centre of the Conservation Area. The former Three Cups public house on the north side of the High Street, now in residential use, is an important surviving building in the history of the village, although somewhat degraded by the insertion of inappropriate uPVC windows and the replacement of its front boundary fence with an unsightly parking area.

3.3 Setting of the Conservation Area

The NPPF describes the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Historic England Good Practice Advice 3: Setting of Heritage Assets (2017) indicates that the setting of a heritage asset is the surroundings in which the asset is experienced. It goes on to note 'Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset'.

Historic England's advice note on setting includes a:

'(non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance'. As the advice note states, 'only a limited selection of the attributes listed will be of a particular relevance to an asset.'

This checklist has been used to inform this assessment.

The Grade I listed Church of All Saints is located outside the boundary of the Conservation Area, to the west of the village, in an isolated location. This is characteristic in Essex, where the church typically served a rural parish of dispersed farmsteads and could often be located at a distance from the main settlement. Although an important building in the history of the village, it has not been recommended for inclusion within the Conservation Area because of its secluded location and distance from the historic core, which means that it is not experienced as part of the main historic settlement. It is therefore not discussed in detail in this appraisal because it lies outside the Conservation Area, but it forms an important part of the wider setting.

To the east and west, the Conservation Area is enclosed by modern, twentieth century development, while to the north and south the distinct boundary between its historic development extents and the agricultural land beyond is still clearly legible.

The rural, agrarian landscape is a defining feature of the Conservation Area's setting, enabling Great Oakley to be understood and appreciated as an isolated agricultural settlement which remained largely unchanged until the mid-twentieth century. Therefore, the open and undeveloped nature of the landscape, especially to the north and south of the historic core, makes an important contribution to the historic significance of the Great Oakley Conservation Area.

To the east, the setting of the Conservation Area is formed by a ribbon of modern post-war development. The linear form of the modern development along the main road has affected the character of modern-day Great Oakley, which is no longer experienced as a small, tightly knit nucleated village, but instead as a larger, more loose-grained, dispersed settlement. The sprawl of modern development detracts from the understanding of the historic extents of the village.



Figure 40 Modern development to the east of the Conservation Area



Figure 41 The southern boundary of the Conservation Area is clearly legible, bounded by agricultural fields

The southern boundary of the Conservation Area is formed by mature hedgerows bounded by a footpath with agricultural fields beyond. While there has been some modern development within the Conservation Area, infilling the southern end of the area, the historic boundary of the village is clearly legible. The agricultural fields beyond contribute positively to the setting of the Conservation Area as the agricultural setting with dispersed farmsteads and historic routes through the landscape provides the rural context of the historic settlement.

To the west, the Conservation Area is enclosed by unremarkable twentieth century houses along Hamford Drive. The approach along the High Street from the west is lined by a group of modern detached houses in a vernacular style. This residential growth demonstrates the expansion of Great Oakley in the twentieth century but undermines the legibility of the historic extents of the village.



Figure 42 Post-war housing along Hamford Drive forms the setting of the Conservation Area to the west

The northern boundary of the Conservation Area is formed by large private gardens, delineated by mature hedgerows bordering the agricultural fields beyond that provide a clear distinction between the village and its wider rural setting. There are views out across the rolling agrarian landscape, providing a visual link between the Conservation Area and the wider landscape. The open fields make a positive contribution to the setting of the Conservation Area as a rural market village serving the wider agricultural landscape.



Figure 43 Private gardens at the northern end of the Conservation Area provide a transition to the agricultural landscape beyond



Figure 44 Views north from the Conservation Area across the agricultural landscape

4. Opportunities for Enhancement

The following opportunities for enhancement have been identified and are summarised below in brief. The list is in no way exhaustive, and neither are the opportunities identified unique to Great Oakley, with many being shared with other Conservation Areas.

4.1 Inappropriate alterations

Doors and windows

A key concern across the majority of the Conservation Area is the alterations to windows and doors. The replacement of timber windows with inappropriate uPVC windows has a harmful impact on the historic significance of the buildings and detracts from the character of the Conservation Area and, therefore, its special interest. The location of doors and windows within a historic building is also an essential part of its character, and by altering their position, or blocking them up, can detract from its appearance.

Historic England's *Traditional Windows Their Care, Repair and Upgrading (2017)* advises that 'the loss of traditional windows from our older buildings poses one of the major threats to our heritage. Traditional windows and their glazing make an important contribution to the significance of historic areas. They are an integral part of the design of older buildings and can be important artefacts in their own right... The distinctive appearance of historic hand-made glass is not easily imitated in modern glazing.' The loss of historic joinery such as sash and casement windows and panelled doors results in a degree of harm to the significance of an historic building, and the loss of crown or other early glass can also cause harm to the significance of buildings. Historic England's 2017 advice recommends that 'surviving historic fenestration is an irreplaceable resource which should be conserved and repaired whenever possible.'

Since the previous appraisal was compiled in 2006, several historic buildings have had their windows replaced with unsympathetic uPVC units, leading to an erosion of the historic and architectural interest of the Conservation Area. This is particularly apparent on the south-east side of the High Street, where the majority of traditional windows have been replaced, diminishing its historic character.



Figure 45 The insertion of inappropriate uPVC windows has harmed the historic and architectural interest of the Conservation Area

Where draughts are causing an issue, the repair and refurbishment of windows with interventions such as draught stripping can improve the thermal performance of historic windows in the first instance, along with the use of shutters and heavy curtains. Alternatively, modern technology allows for well-designed secondary glazing; special timber casements that can be constructed and fixed to the interior of the frame using sections and mouldings to match the primary glazing. These less intrusive methods are advisable within the Conservation Area; however, it is recommended that advice is sought from the Council before any changes to windows or doors are made to ensure the optimum solution.

To preserve the special interest of the Conservation Area, historic windows should be retained. Any proposals for the replacement of windows should avoid the loss of any historic fabric and should be appropriate to the host building. The application of uPVC windows will not be supported.

Inappropriate materials

Historic roof coverings have been replaced with inappropriate concrete tiles in some buildings across the Conservation Area and should be reinstated with traditional materials wherever possible.

Overpainting of brickwork and the use of cementitious render on facades has resulted in the loss of original architectural features. Removal of overpainting to reveal historic brickwork would be an enhancement to the character of the area. Cementitious render can cause longer-term problems in historic timber-framed buildings; where historic buildings have been rendered with inappropriate materials, the reinstatement of traditional lime plaster would be considered beneficial.



Figure 46 Inappropriate materials including yellow brick and concrete tiles on modern dwellings

Some modern infill properties, such as those along Farm Road, have also used materials which are inappropriate for the area, such as yellow brick and concrete roof tiles, which erodes the character of Great Oakley. New developments should employ traditional materials such as render, red brick or weatherboarding for walls and clay tile or natural slate for roof coverings. This has been successfully followed at the Maltings Farm development, which uses traditional vernacular materials to preserve the character of the Conservation Area, such as clay pantiles, red brick, painted render and weatherboarding.

Boundary treatments

There is a wide variety of boundary treatments in the Conservation Area. Dwarf walls in red brick, hedges and low picket fences add to the character of the area as a rural village. Metal railings are less suitable in a rural context as they are a more urban feature. If paired with well-grown hedgerows, however, they can contribute to the verdant, green character of the area. Existing historic boundary walls make an important contribution to the character of the area and should be maintained and reinstated wherever possible. Where inappropriate boundary treatments have been installed, these should be replaced where possible with boundaries that are with more in keeping with the character of the area.

In several places, modern metal gates have been erected which are oversized and anachronistic, failing to respond to the vernacular character of the Conservation Area.

Removing front boundaries to create car parking should be avoided as it reduces the sense of enclosure on the streetscape, reduces the amount of green space and erodes the special character of the Conservation Area.



Figure 47 Inappropriate modern metal gates to a vernacular dwelling on Farm Road



Figure 48 Removing historic boundary treatments to create parking, such as by Cambria House on the High Street, erodes the special character of the Conservation Area



Figure 49 There is a lack of defined front boundary on modern development on the west side of Farm Road, reducing the sense of enclosure and leading to a blurring between the public and private realms

Solar panels

A number of buildings within the Conservation Area have been fitted with solar panels on their roofs, including several modern buildings at the eastern end of the High Street. While solar panels are an important element in the move towards sustainable energy sources, they are a modern intervention which can be visually intrusive, introducing large expanses of dark, reflective surfaces onto the traditional roofscape of the Conservation Area which are at odds with its vernacular character and appearance. Some traditional roofscapes, such as thatched roofs and those on listed buildings, are unsuitable for solar panels. Generally, solar panels should be confined to rear roof slopes or secondary roof pitches which face away from the main thoroughfares or placed on outbuildings, to reduce their impact on the character of the Conservation Area.

Other alterations

Throughout the Conservation Area, there are examples of inappropriate and unsympathetic additions which can result in a cumulative impact on the area. The addition of modern equipment such as TV aerials and satellite dishes, extraction flues and air conditioning units to prominent street-facing or side elevations of buildings harms the historic character and appearance of the area.



Figure 50 Solar panels on modern dwellings can be intrusive to the traditional, vernacular roofscape of the Conservation Area when applied to front-facing roof pitches



Figure 51 Car parking along High Street blocks the pavement in some areas



Figure 52 Car parking dominates the central marketplace

4.2 Car parking and traffic management

Great Oakley is compact and easily accessible by the main thoroughfare (B1414) travelling east to west. The footpaths from the wider landscape into the Conservation Area are well signposted and marked.

The streets and lanes within the Conservation Area are characteristically narrow, reflecting their historic origins. Farm Road, Queen Street and Back Lane lack dedicated pavements because of their narrowness, meaning that pedestrians must walk in the street, sharing the space with other road users.

As the main route through the village, the High Street is a relatively busy road. Parking is controlled along some stretches, but in other places cars are parked on the street, blocking the pavement in some areas. Because of the constraints on parking, there is pressure to provide off-street parking places, in some cases by removing front boundaries and gardens, leading to a degraded streetscape with reduced greenery.

The main areas of dedicated parking are in the former marketplace at the junction of the High Street with Back Lane and Farm Road. These provide valuable off-road parking spaces, but the presence of parked cars reduces the amenity of the open marketplace, creating a space which is dominated by vehicular traffic and views of stationary cars. This diminishes the setting of the handsome cluster of historic buildings in these areas.

Car parking impacts how the area is experienced and detracts from the historic character of the area. This is an issue faced by many Conservation Areas nationally and is not, therefore, unique to Great Oakley. The loss of front gardens to car parking and the creation of large areas of hardstanding should be avoided, as the planting in gardens is important in creating a softening effect on the streetscape and adds to the rural character of the area. There is also the opportunity to reduce car traffic and parking by exploring alternative solutions to car travel, for example through the promotion of sustainable transport solutions.



Figure 53 Modern development on the north side of the High Street



Figure 54 Post-war bungalows are an untraditional building type for the Conservation Area

4.3 Inappropriate modern development

There are some areas of modern infill development which are unsympathetic to their surroundings and do not respond to the traditional palette of materials or design, detailing and fenestration, eroding the historic character and appearance of Great Oakley. This is particularly the case at the southern end of the Conservation Area, which was historically an open field and has been infilled since the Conservation Area was first designated in 1973.

Examples of inappropriate modern development are considered to include:

- Modern development on the north side of the High Street, which is not in keeping with the character of the Conservation Area, due to inappropriate design and materials. This includes the three-storey modern terrace on the north side of the marketplace, constructed of buff brick, which detracts because of its height and uncharacteristic buff brick material. Its neighbours employ materials which are uncharacteristic in Great Oakley, such as tile hanging and half rendered facades at first floor level and the fenestration lacks proportion and symmetry. These houses are set back behind narrow gardens, contrasting with the historic urban grain of this area, and bounded by front railings which are overly urban for a rural Conservation Area.
- The One Stop Steel Shop on the High Street, which has a blank utilitarian frontage.
- Modern infill buildings, such as Farndale and Roseacre on Back Lane, which do not respond to local character.
- Post-war bungalows such Kimberleigh, at the junction of Back Lane and Farm Road, which are an untraditional building type for the Conservation Area.
- Modern development at the south end of the Conservation Area, between Farm Road and the western boundary of the Conservation Area; some of these, such as The Pyghtle and Brevelay, could be considered as detracting from the character and appearance of the area through their uncharacteristic materials and design.



4.4 Neutral contributors

A notable area which makes a neutral contribution to the character and appearance of the Great Oakley Conservation Area is the modern development on the east side of the Conservation Area at Maltings Farm. This has been designed in accordance with Essex Design Guideline principles and employs traditional vernacular materials such as clay pantiles, red brick, painted render and weatherboarding effectively to preserve the character of the Conservation Area.

4.5 Maintenance

While the Great Oakley Conservation Area is generally well maintained, there are several prominent buildings which have been impacted by a gradual decline in their condition due to lack of ongoing maintenance. The importance of preventative maintenance cannot be over-emphasised, as ongoing maintenance can not only limit, or even prevent, the need for repairs later, it will avoid the loss of original fabric and is cost-effective.³

The Red House, a prominent building in the streetscape at the junction of the High Street and Farm Road by the marketplace, is of particular concern. This has suffered the loss of its historic windows and replacement with poorly detailed uPVC units. It is in a state of disrepair with stained and peeling paintwork, cement render and decaying timber door. Exchanging the uPVC windows with suitable timber replacements and carrying out appropriate repairs and maintenance would enable this focal building to make a positive contribution to the area.

There are some examples of other maintenance issues across the area, which are common in Conservation Areas, such as the deterioration of paintwork, timber rot, installation of unsightly flues and cables, and loss of historic features.

3 [Preventative Maintenance \(spab.org.uk\)](http://spab.org.uk)

There is an opportunity to monitor ongoing condition and maintenance issues across the Conservation Area by means of a regular baseline photographic survey. Going forward, this could be an opportunity for local groups and individuals to lead in, and there is scope for the Council to work in partnership with the community to undertake ongoing assessments such as this.

4.6 Colour palette

The Conservation Area is characterised by its combination of red brick and painted render facades. Render colours are generally cream or muted, pale shades, reflecting the traditional palette of colours for historic buildings, which were based on natural pigments. While a range of façade colours can give a pleasing variety to the streetscape, the introduction of inappropriate modern colours or an overly-strident colour palette would detract from the historic character of the area and could have a cumulative impact on the appearance of the Conservation Area. Generally, colour choices should reflect the historic palette to preserve the local distinctiveness and should respond to the age, status and architectural style of the building. Appropriate paint types which are compatible with the historic fabric should be used. Where lime render survives, paints which are vapour permeable such as limewash or mineral paints should be used to avoid causing damage to the fabric of the historic building by trapping moisture within the façade.

4.7 Public realm

The main area of public realm within the Conservation Area is the marketplace and war memorial. The war memorial was restored by the Parish Council in 2009 and is in good condition. This area is generally well maintained, with good quality streetlights, cast iron bollards and bench which are historic in character and make a positive contribution to the area. Small pots with flowers enhance the public realm. The placing of the litter bin could be reconsidered as it detracts from views of the war memorial; it would be beneficial to move it to beside the bench. This area is somewhat dominated by traffic and parked cars, which reduces its appeal as a space to sit.

Street Furniture (Lampposts, benches, signage, bins, bike stands, bollards etc.)

Street furniture is fairly limited within the Conservation Area but is generally of reasonable quality. The bus shelter is a small, well designed timber design which incorporates the stop signage, reducing street clutter.

The pair of concrete bollards outside the Red House on the junction of High Street and Farm Road are constructed of untraditional materials and one is damaged. It would be beneficial to replace them with cast iron bollards such as those around the war memorial, which would improve the consistency of appearance of the public realm.

Other than the two lantern-style streetlights in the marketplace, the occasional streetlights within the Conservation Area are the standard modern grey design, which are fairly unobtrusive. Signage is restrained and there is little modern street clutter, helping to preserve the historic character of the area.



Figure 55 Street furniture at the marketplace includes benches, cast iron bollards and streetlights, bench and flower arrangements



The K6 phonebox outside Mill House is an attractive historic feature and is Grade II listed. It is showing some signs of neglect however, with peeling paintwork and moss growing on it. If it is redundant for telephone use, it would be beneficial to find an alternative use for this characterful historic feature, such as housing a defibrillator or as a miniature library, which would contribute to its long-term conservation.

No bike stands were observed in the area. These could be installed in the marketplace area to encourage alternative forms of transport.

Hard Landscaping

Pavements along the High Street are tarmac-covered and in relatively poor condition, with areas of surface spalling and patched repairs where services have been installed. There is scope for enhancement by improving the surface treatment of the pavement by introducing pavers instead of a tarmac finish. There is also potential for enhancement of the parking area at the junction of the High Street and Queen Street. At present, it is tarmac covered and lacks definition. Introducing a high-quality surface material such as stone setts would help to delineate the former marketplace area and improve the appearance of the public realm.

Trees and Planting

Trees and planting within the Conservation Area are predominantly within private gardens. There are no street trees. Private gardens therefore make an important contribution to the rural character of the Conservation Area by providing green spaces that soften the urban realm. However, trees and greenery in private gardens can be vulnerable to removal and loss.

Trees are protected under Conservation Area legislation that requires the local authority to be notified of any proposed work to a tree in a Conservation Area. Consent is required for work to trees that are protected by a Tree Preservation Order (TPO).

Several areas of private gardens have been degraded within the last few years, eroding the verdant, rural character of the Conservation Area. For example, the space in front of the former Methodist Church on the High Street was formerly grassed over with a large weeping willow tree forming a focal point in views along the High Street and an attractive setting for the marketplace on the opposite side of the road. When the building was converted into residential use, the tree was removed, and the front yard given over to gravel hardstanding. This has created a gap site at the centre of the Conservation Area. The parking area provided is overly large and it would be beneficial to return part of it to garden use. Planting a hedge along the front boundary wall would help to soften the streetscape and reintroduce some welcome greenery to this area.

Similarly, part of the front garden by the Three Cups has been recently removed. The boundary fence and mature greenery has been removed and the area tarmacked over for parking, with a set of utilitarian gates which are out of keeping with the character of the Conservation Area. This has created an unsightly gap site at the gateway of the Conservation Area, reducing the sense of enclosure provided by the boundary fencing and diminishing the verdant green character of the area, detracting from the aesthetic interest of this part of the Conservation Area. It would be beneficial to restore a front boundary with hedging here, locating a small area of parking behind the boundary, as existed previously.



Figure 56 Convenience store on High Street

4.8 Shop frontages

There are few historic shop frontages surviving within the Conservation Area, which is now mostly in residential use. The Great II listed former Post Office and Village Shop building on the High Street is undergoing maintenance to preserve its historic features and improve its appearance, including the repair of the pair of shallow bay shopfront windows facing onto the High Street.

The Convenience Store at 9-10 High Street has suffered some unsympathetic alterations, most noticeably the overpainting of the red brick façade, leading to loss of historic detailing and lack of coherence with its neighbours. The large plastic signage blocks the lower part of one of the first floor windows, while the ground floor shop window is obscured with vinyl signage. These features detract from the character of the Conservation Area. Removal of the paint from the brickwork elevation, removal of the vinyl stickers and installation of a smaller painted timber sign would improve its appearance. This should be in line with the [Essex County Council's Shopfront Guidance](#).

In general, shop frontages should be sympathetic to the character and appearance of the Conservation Area and utilise traditional, high-quality materials such as timber windows, doors and signage. Shop and commercial signage should be sympathetic to the historic character of the Conservation Area, using appropriate materials, colour palette and lettering. Internally illuminated signage is not characteristic of the Conservation Area and would not be supported.



5. Management Proposals

There are a wide range of opportunities for the Great Oakley Conservation Area, many of which share common themes. This section builds on the opportunities identified in Section 4 and seeks to recommend management proposals which address these in both the short and long term.

5.1 Positive Management: Short term

The first set of proposals relate to positive management and focus on good practice and improved ways of working with the local planning authority. These are generally low cost and can be implemented within a short timeframe, typically within one or two years.

Enforcement

Where the necessary permission has not been sought for alterations, such as building alterations or advertising signage which are not contained within the General Permitted Development Order, the Local Planning Authority's powers of enforcement should be considered. This could assist in reinstating any lost character or architectural features whose loss may have a negative cumulative effect on the Conservation Area, as well as avoiding a precedence being set for similar, uncharacteristic works. The loss of original windows is a particular concern within the Great Oakley Conservation Area, as well as unsympathetic alterations such as the replacement of roof coverings with concrete tiles or the removal of front boundaries. It is recommended that an assessment and gazetteer is undertaken across the Conservation Area to ascertain the condition of historic buildings that have been impacted in this way.

General Maintenance: Public Realm and Highways

Through the agreement of a standard good practice within the Conservation Area between relevant Local Authority teams and other landowners, long term goals can be set to promote good design within the public realm, such as avoiding excessive road markings or signage and agreeing a standard street furniture within Conservation Areas to ensure consistency over time as elements are introduced or replaced. This will have a long-term positive impact on the Great Oakley Conservation Area and ensure the preservation of characteristic features of the area.

Heritage Statements, Heritage Impact Assessments and Archaeological Assessments

In accordance with Paragraph 194 of the NPPF, applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

All applications and development proposals within the Conservation Area and its setting require an appropriately detailed Heritage Statement. Any application without a Heritage Statement should not be validated.

The key views analysed within this document are in no way exhaustive. The impact of any addition, alteration or removal of buildings, structures or trees on key views should be considered to aid decision making. This includes development outside the Conservation Area. Where appropriate, views must be considered within Design and Access or Heritage Statements. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: *The Setting of Heritage Assets* (2017). Applications which fail to have assessed any impact upon views and setting should not be validated.



Local Heritage List

A Local List identifies buildings and structures of local architectural and/or historic interest, and these are considered to be 'non-designated heritage assets' under the provisions of the NPPF. Local Lists can be beneficial in ensuring the upkeep and maintenance of historic buildings that contribute to the character of the settlements.

There are several buildings and features within Great Oakley which make a positive contribution to the special interest of the area and are of sufficient quality to be considered for Local List status, as highlighted in Section 2.5. This indicates that a Local List may be beneficial to ensure the upkeep of key buildings which are significant to Great Oakley's history and character.

The exercise of creating a Local List would also facilitate a greater understanding of the area and could be utilised as a public engagement strategy to improve awareness and understanding.

Neutral and Negative Elements

Tendring Council must not allow for the quality of design to be impacted by the neutral and negative elements of the built environment. Officers must, where possible, seek schemes which enhance the built environment and look to conserve and reinstate historic features. It is also considered that poor quality or unsympathetic schemes do not preserve the special interest of the Conservation Area and therefore are discouraged, both within the Conservation Area and its setting; this is due to the potential impact to the character and appearance of the area.

New Development

There are some opportunities within Great Oakley and its setting for development which makes a positive contribution to the conservation area. To be successful, any future development needs to be mindful of the local character of the Conservation Area, while at the same time addressing contemporary issues such as sustainability.

Successful new development will:

- Relate to the geography and history of the place and the lie of the land;
- Sit happily in the pattern of existing development and routes through and around it (including public footpaths);
- Respect important views;
- Respect the scale of neighbouring buildings; and
- Use materials and building methods which are as high in quality of those used in existing buildings, including boundary treatments.

Tendring District Council should guide development in a positive manner by:

- Engaging with developers at an early stage through the Pre-Application process to ensure modern development is high quality in design, detail and materials.
- Ensuring large scale development schemes are referred to a Design Review Panel (or similar) to ensure that new buildings, additions and alterations are



designed to be in sympathy with the established character of the area. The choice of materials and the detailed design of building features are important in making sure it is appropriate to a conservation area.

- Seeking opportunities for developers to make a positive contribution to the wider historic environment through Section 106 Agreements.

Public resources

The preservation and enhancement of private properties can be improved through the publishing of resources aimed to inform property owners and members of the public. An introductory summary of the Conservation Area Appraisal in the form of a leaflet or factsheet(s) is a simple way to communicate the significance of the area and ensure members of the public are aware of the implications of owning a property within a conservation area. In addition, a maintenance guide would assist property owners in caring for their property in an appropriate manner. A single Good Practice Design Guide on standard alterations such as windows, doors, rainwater goods, boundaries, roof extensions, signage and shopfronts will ensure inappropriate development does not continue to be the accepted norm.

- Provide guidance on appropriate design and materials for windows and doors, encouraging the retention or reinstatement of historic glazing patterns and door designs and the use of appropriate materials.
- Provide guidance on the traditional form of boundary treatments and encourage their reinstatement where they have been removed or compromised.

- Provide guidance on traditional roofing materials and encouraging the reinstatement of good quality clay tiles and the removal of unsympathetic modern materials such as interlocking concrete tiles.
- Provide and update guidance relating to signage. This should address appropriate size and design, the extent and amount and associated lighting. All further planning applications and advert consent applications should be required to comply, where possible, with this standard, designed to help to restore the character and appearance of the Conservation Area.

Poor maintenance leads to the deterioration of the fabric of the built environment and results in a loss of architectural details. Improved awareness of simple maintenance and repair would be conducive with the preservation of Great Oakley's built heritage.

Beyond the information board by the Second World War pillbox, there is no publicly available interpretation within the Conservation Area to improve understanding and awareness. An information board could be added by the central marketplace or near the Maybush Inn to increase awareness of Great Oakley's distinctive history and identity as an historic market village.

Shop Frontages

There is potential to raise awareness of the importance of historic shopfronts and traditional signage and the contribution they make to the special interest of the Conservation Area through the production of information leaflets or web pages which provide guidance for shop owners on upkeep and maintenance of historic frontages.



Tall Buildings

Buildings within the Conservation Area are typically one to two storeys, depending on the location and use of the building. The new terrace adjoining the site of the former Methodist Church rises to three storeys, which is unprecedented within the Conservation Area and gives these modern buildings undue prominence in the streetscape.

It is considered that the introduction of taller developments, both within the Conservation Area and within its wider setting, would be harmful to its historic character. Development should remain at two storeys to be appropriate to the area, or two storeys with attics as a maximum.

Tree Management

In line with the Town and Country Planning Act, all trees in Conservation Areas are afforded the same protection as a Tree Preservation Order. Trees which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, may not be felled or lopped unless six weeks written notice has been given to the Council. Six weeks' notice has to be given to the council under S211 of the Act.

It is also considered that any prominent trees, and trees with amenity value on private land throughout the Conservation Area, should be monitored and maintained appropriately. This will maintain the green, rural character of the area. Any tree that makes a positive contribution to the area should be retained, maintained and, if felled (only if dead, dying or dangerous), replaced with an appropriate new tree.

Twentieth Century buildings

There are some twentieth century developments which make a neutral or negative impact on the character of the Conservation Area. There is scope to enhance these sites and buildings through a considered design approach which can guide future improvements. Should opportunities for redevelopment arise in the future, high quality design should be pursued and encouraged through design guidance.



5.2 Positive Management: Longer Term

The second set of proposals are also focused on positive management but either take longer to implement or are better suited to a longer time frame.

Car Parking

This should begin with a car parking survey to establish the need both now and in the future. Once the level of necessary car parking has been established a landscape strategy should be created by the Council in conjunction with local stakeholders. Areas of concern are the High Street and the narrow thoroughfares of Queen Street and Back Lane, where lack of parking places pressure to remove boundaries and tarmac over gardens to provide parking space, eroding the character of the Conservation Area.

Character Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan should be reviewed every five years to monitor change and inform management proposals.

Conservation Area Boundary

The Conservation Area boundary has been reviewed within this appraisal in accordance with the NPPF (2021) and *Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management* (2018). It has been decided to retain the existing boundary of the Conservation Area which covers the historic core of the village.

The boundary should continue to be assessed as part of future reviews of the Management Plan to ensure it is robust and adequately protects the significance of the area.

Interpretation: Improved Understanding and Awareness

There is an interpretation board by the Second World War pillbox, but no other publicly available interpretation within the Conservation Area. There is scope for further interpretation within the Conservation Area aimed at improving understanding and awareness of its historic development and special interest. This would be an effective way to re-establish the identity of Great Oakley as a historic settlement. One key area which may benefit from interpretation is the area of public realm at the central marketplace near the war memorial, which is the historic centre of the Conservation Area. An information board could be added here to increase awareness of Great Oakley's distinctive history and identity as an historic market village.

Opportunity Sites

There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. Sites which may provide opportunity for enhancement include negative contributors on the south-west side of Farm Road and the One Stop Steel Shop on the High Street.



Public Realm

There is the opportunity to enhance the character and appearance of the Conservation Area through investment to improve the wider public realm. This can be achieved through continuing to improve and rationalise existing street furniture and the continued maintenance of existing, high-quality street furniture. The central marketplace area could be improved with paved street surfaces and enhancement of the pavement surfaces of the High Street.

Shop Frontages

Great Oakley was historically a market town with several shops and businesses. There are now few commercial premises within the Conservation Area, reducing its vitality. There is scope for enhancement of the remaining shop frontages to enhance the character and appearance of the historic streetscape, especially the historic shopfront of the Grade II listed former Post Office and Village Shop, and the convenience store at 9-10 High Street, which has suffered some insensitive alterations that detract from the character and appearance of the area.

Heritage improvement schemes

Small grant funding schemes would provide an incentive to encourage private property owners to carry out works to enhance their historic properties and thereby the wider Conservation Area. This may be particularly beneficial for historic shop frontages.



5.3 Funding Opportunities

There are three main funding opportunities which would assist in the execution of these plans:

National Heritage Lottery Fund

The National Heritage Lottery Fund is the single largest dedicated funder of heritage in the UK and therefore is the most obvious potential source of funding. Funding is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding. Grant opportunities and requirements change over time; for up-to-date information on NHLF schemes Tendring Council should consult their appointed Heritage Specialist.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon Brightlingsea. These agreements could be used to fund public realm or site-specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Partnership Schemes in Conservation Areas is a programme run by Historic England to target funding for the preservation and enhancement of conservation areas. As the name suggests, the scheme forms partnerships with local authorities (along with any additional funding partners) to facilitate the regeneration of an area through the conservation of its built heritage. The scheme makes funds available to individuals to enable them to carry out repairs or improvement works to their property to enhance the area. This would be suitable to preserve and enhance either the shop frontages or the architectural detailing.



6. Appendices

6.1 Designated heritage assets

Grade II

Maltings Farmhouse: (list entry: 1147224)

House and ancillary building, now a restaurant and flat. C15, altered in C16 and C17. Timber framed, roughcast rendered, roofed mainly with handmade red clay tiles, partly with slate. 2-bay hall facing NE with C16 axial stack in left bay, 2-bay service crosswing to left, 3-bay parlour/solar crosswing to right, both projecting to rear. C17 internal stack at right side of right crosswing, and long C17 extension or ancillary building beyond, now incorporated. C19 lean-to extension with slate roof to rear of hall. Main building of 2 storeys, right extension of one storey with attics. Ground floor, 2 late C19 sashes of 4 lights, one C19 casement. First floor, 3 similar sashes. 4-panel door, the upper panels glazed, in C20 gabled porch. Right extension, one C20 casement, the remainder obscured by dense foliage. Gablet hips at both ends of hall and at rear of both crosswings. Rear elevation (now used as an entrance elevation), scattered C20 fenestration and 2 C20 doors. Shaped sprockets below eaves. The hall has a mid-C16 inserted floor comprising a transverse moulded beam and moulded joists of horizontal section with runout stops, a wide wood-burning hearth (of which the mantel beam has been replaced), and a roof raised in the C17. The left crosswing has a bridging beam with mortices for a former partition between 2 service rooms, plain joists of horizontal section jointed to it with unrefined soffit tenons, jowled posts in the middle and to the rear, a cambered central tiebeam with one arched brace in situ, wallplates with edge-halved and bridled scarfs, and a roof altered in the C17. A former jetty to the front has been cut back to align with the front of the hall. Diamond mortices for an unglazed window, now blocked, in the left upper wall. The right crosswing has an original partition between the middle and rear bays, a chamfered binding beam, plain joists of horizontal section jointed with unrefined soffit tenons, jowled posts, and similar alterations to the roof and jetty. At the junction with the right extension is a bread oven, complete with door. The extension has a chamfered axial beam and plain joists of vertical section. Possibly RCHM 4. In the title award of 1841 this was the farmhouse of a farm of 58 acres, unnamed (Essex Record Office, D/CT 258)



Pett's Cottage, Armond House and House Immediately to North East: (list entry: 1147280)

Complex group originally comprising one C18 house and one C15 house, combined and re-divided to form 3 houses. Timber framed, plastered and weatherboarded, roofed with handmade red clay tiles. All facing NW. The C18 house, at the left, now comprises the NE part of Armond House and the house to NE of it; it has an axial stack, almost central, a lean-to garage to the left, and a lean-to extension to the rear, and is of 2 storeys with attics. On each floor one early C19 sash of 16 lights and one C18/early C19 sash of 12 lights, with some crown glass; at the left end of the front elevation, 6-panel door with plain overlight and moulded flat canopy on scrolled brackets. Gambrel roof with elaborately moulded eaves cornice in the Gothick style. The C15 house to SW of it comprises the SW part of Armond House and Pett's Cottage to the SW; it has a 2-bay hall with an early C17 stack in the left bay, an originally storeyed service bay to the left and an originally storeyed parlour/solar bay to the right. Rear extensions. 2 storeys. 3 C20 casements on the ground floor, 4 on the first floor. At the left end the door to Armond House is of 6 panels, the upper 4 glazed; the door to Pett's Cottage is of plain boarded type. At the time of survey, September 1985, Armond House was undergoing major renovation; a trellised gabled porch was demolished, and a timber-framed false front with parapet was being replaced in breeze block. The ground floor of Pett's Cottage is weatherboarded. The C15 house has jowled posts, heavy studding with curved tension braces trenched to the outside, some panels of original stick wattle and daub, and edge-halved and bridled scarfs in both wallplates. In the service end plain joists of horizontal section are arranged longitudinally. The inserted floor in the hall has a deeply chamfered transverse beam. The inserted stack is much mutilated. Diamond mortices and shutter grooves for unglazed windows. Crownpost roof, heavily smoke-blackened over the hall; the central crownpost is of octagonal section with a square base and a moulded square cap, and 4-way arched braces, complete. Shown as 3 dwellings in the tithe award of 1841 (Essex Record Office, D/CT 258). There are close similarities between the Gothick eaves cornice and that of Oakley House, Thorpe-le-Soken (item 9/96, q.v.).

Old Scantlings: (list entry: 1322632)

House. C17 or earlier. Timber framed, roughcast rendered, hoof thatched. 4 bays facing approx. S, with axial stack in second bay from left end, forming a lobby-entrance. C20 lean-to extension at right end. One storey with attics. 6 C20 casements on ground floor, and one more in gabled dormer. C20 door in glazed gabled porch roofed with red clay 'Roman' tiles. Chamfered axial beams, plain joists of horizontal section. At the time of survey, September 1985, the roof was stripped down to felt for re-thatching, with some red clay 'Roman' tiles below the dormer. No access to the rear or the interior.

Whispers: (list entry: 1308597)

House. Circa 1700, altered in C19. Timber framed, plastered, with facade of painted brick in Flemish bond, roofed with handmade red clay tiles. 3 bays facing north-west, with stack in middle bay behind axis, forming a lobby-entrance. 2 storeys. Ground floor, 2 early C19 sashes of 12+12 lights. First floor, 2 late C19 sashes of 3+6 lights. 6-panel door in fluted doorcase with flat canopy on scrolled brackets, early C19. The brick facade, c.1840, stands forward of the doorcase. In left bay, large wood-burning hearth, and chamfered axial beam without stops, plain joists of vertical section. In right bay, smaller wood-burning hearth, chamfered axial beam with lamb's tongue stops, and similar joists. Primary straight bracing. Original winder stair in front of stack, with at the top a moulded handrail of vertical section and splat balusters. On the first floor, small wrought iron coal-burning grate, altered.



Mill House: (list entry: 1112135)

House. C18. Timber framed, plastered, roofed with handmade red clay tiles. 3 bays facing NW, with central stack, forming a lobby-entrance. Full-length original out-shut at rear, roofed with red clay pantiles, and small C20 extension to rear of it. C19 single-storey extension to right, front wall of plastered brick, other walls of concrete, roofed with red clay pantiles. Early C19 single-storey lean-to extension to left, with internal stack at rear, roofed with machine-made red clay tiles. 2 storeys. 3-window range of C18 sashes of 12 lights, with crown glass. Central 6-panel door, the top 2 panels glazed, the other panels flush. In the left extension, early C19 6-panel door, the top 2 panels glazed, the middle panels fielded, the bottom panels flush. Moulded plinth. Moulded eaves cornice. Stepped parapet at front of left extension. The left return has 2 early C19 sashes of 12 lights on the ground floor of the extension, and one on the first floor of the main house, with crown glass. 2 wood-burning hearths, reduced for C20 grates, and an early C19 cast iron ducknest grate in left extension. Chamfered beams with lamb's tongue stops in rear outshut. Main frame of hardwood, jointed and pegged, exposed in right ground floor room and on first floor. Early C19 half-glazed internal door to left extension. The name refers to a windmill which formerly stood 100 metres to the NE. Central 6-panel door, the top 2 panels glazed, the other panels flush. In the left extension, early C19 6-panel door, the top 2 panels glazed, the middle panels fielded, the bottom panels flush. Moulded plinth. Moulded eaves cornice. Stepped parapet at front of left extension. The left return has 2 early C19 sashes of 12 lights on the ground floor of the extension, and one on the first floor of the main house, with crown glass. 2 wood-burning hearths, reduced for C20 grates, and an early C19 cast iron ducknest grate in left extension. Chamfered beams with lamb's tongue stops in rear outshut. Main frame of hardwood, jointed and pegged, exposed in right ground floor room and on first floor. Early C19 half-glazed internal door to left extension. The name refers to a windmill which formerly stood 100 metres to the NE.

Post Office and Village Shop: (list entry: 1391206)

Shop with residence. C17 or earlier house, re-fronted in late-C18 including shop, and with C19 and C20 alterations and additions. Timber framed core, with rendered brick facade, and wood and glass shop-front.

PLAN: 2-bay front with shop at ground floor and residence above and behind.

EXTERIOR: Main elevation with ground floor late-C18 shop front comprising central doorcase flanked by pair of rounded advanced shop windows. Continuous cornice with diamond and dentil decoration to base of frieze. Central doorcase with recessed door of 4 panes flanked by pair of fluted pilasters beneath ogee brackets supporting flat hood. Shop windows of 5-over-5 large panes above wood plinth, and fluted pilasters under shallow console bracket to outsides. Lower door to left of shop-front under hood supported by pair of console brackets.

INTERIOR: Ground floor with exposed beams, some chamfered and some with redundant joist mortises, and joists to both front bays. Surviving framing to first floor includes beam with central posts, joists, and original front wall plate. Plank and 4-panel doors to first floor. C19 extension to ground floor rear with fireplace and pair of glazed doors set in splayed panelled surround. C20 additions to side and rear not of interest. An elaborate and well-preserved late-C18 shop front, with a significant amount of framing from the or earlier house behind.



Holly Trees: (list entry: 1391206)

House. C18. Timber framed, plastered and roughcast rendered, roofed with handmade red clay tiles. 2 bays facing SE, with internal stack at right end. Single-storey lean-to extension to rear. 2 storeys with attics. 2-window range of early C19 sashes of 16 lights, and 2 more in flat-roofed dormers. Gambrel roof. Front elevation plastered and inscribed in imitation of stone blocks, remainder roughcast rendered.

Florence Cottage: (list entry: 1147218)

Cottage. C18/early C19. Timber framed, weatherboarded, roofed with red clay pantiles. 2 bays facing approx. SE, with an internal stack at the right end and an external stack at the left end. C19/early C20 single-storey extension to right with end stack. One storey with attics. 2 C19/early C20 casements. C20 door in rustic porch with gabled roof of corrugated iron. In right extension, one C20 casement and one C20 door. Gambrel roof. Shown in the tithe award of 1841 (Essex Record Office D/CT 258).

K6 Telephone Kiosk Adjacent to Mill House: (list entry: 1147218)

Telephone kiosk. Type K6. Designed 1935 by Sir Giles Gilbert Scott. Made by various contractors. Cast iron. Square kiosk with domed roof. Unperforated crowns to top panels and margin glazing to windows and door



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Tendring District Historic Environment Characterisation Project, Essex County Council (2008)

Tendring Geodiversity Characterisation Report, Essex County Council (2009)

Archives

Essex Record Office (ERO)

Historic Environment Record (Essex County Council)

6.3 Legislation, Policy and Guidance

LEGISLATION/POLICY/GUIDANCE	DOCUMENT	SECTION/POLICY
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	All sections are relevant, although the following pertain to Conservation Area Appraisals and Management Plans: 66: General duty as respects listed buildings in exercise of planning functions. 72: General duty as respects conservation areas in exercise of planning functions.
National Planning Policy	National Planning Policy Framework (2021) DCLG	Chapter 16; Annex 2
National Guidance	National Planning Practice Guidance (2019) DCLG	ID: 18a
National Guidance	Historic England Good Practice Advice in Planning Note 1 (2015) The Historic Environment in Local Plans	
National Guidance	Historic England Good Practice Advice in Planning Note 2 (2015) Managing Significance in Decision-Taking in the Historic Environment	
National Guidance	Historic England (2017) Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets	



National Guidance	Historic England Advice Note 1 (2019) Conservation Area Appraisal, Designation and Management	
National Guidance	Historic England (2017) Traditional Windows	
National Guidance	Historic England, High Streets for All (2018) Advice for Highway and Public Realm Works in Historic Places	
National Guidance	Historic England (2017) Repointing Brick and Stone Walls Guide for Best Practice	
Local Supplementary Planning Document	Tendring District Local Plan 2013-2033 and Beyond: Section 1 and Section 2	<p>SPL 3 – Sustainable Design</p> <p>PPL 3 – The Rural Landscape</p> <p>PPL 7 – Archaeology</p> <p>PPL 8 – Conservation Areas</p> <p>PPL 9 – Listed Buildings</p>

6.4 Glossary

Term	Description
Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic Environment Record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Local List	Local listing is a concept that is designed to ensure that the historic and architectural interest of buildings that are of local importance but do not meet the criteria for being nationally listed is taken account of during the planning process. Local lists can be used to identify significant local heritage assets to support the development of Local Plans.
Non-Designated heritage asset	Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Only a minority of buildings have enough heritage significance to merit identification as non-designated heritage assets.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
Significance (for heritage policy)	The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Place Services
County Hall, Essex CM1 1QH

T: +44 (0)3330 136 844
E: enquiries@placeservices.co.uk

www.placeservices.co.uk

 @PlaceServices



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Kirby-le-Soken Conservation Area Character Appraisal and Management Plan

Tendring
District Council



Client:
Tendring District Council

Date:
September 2022

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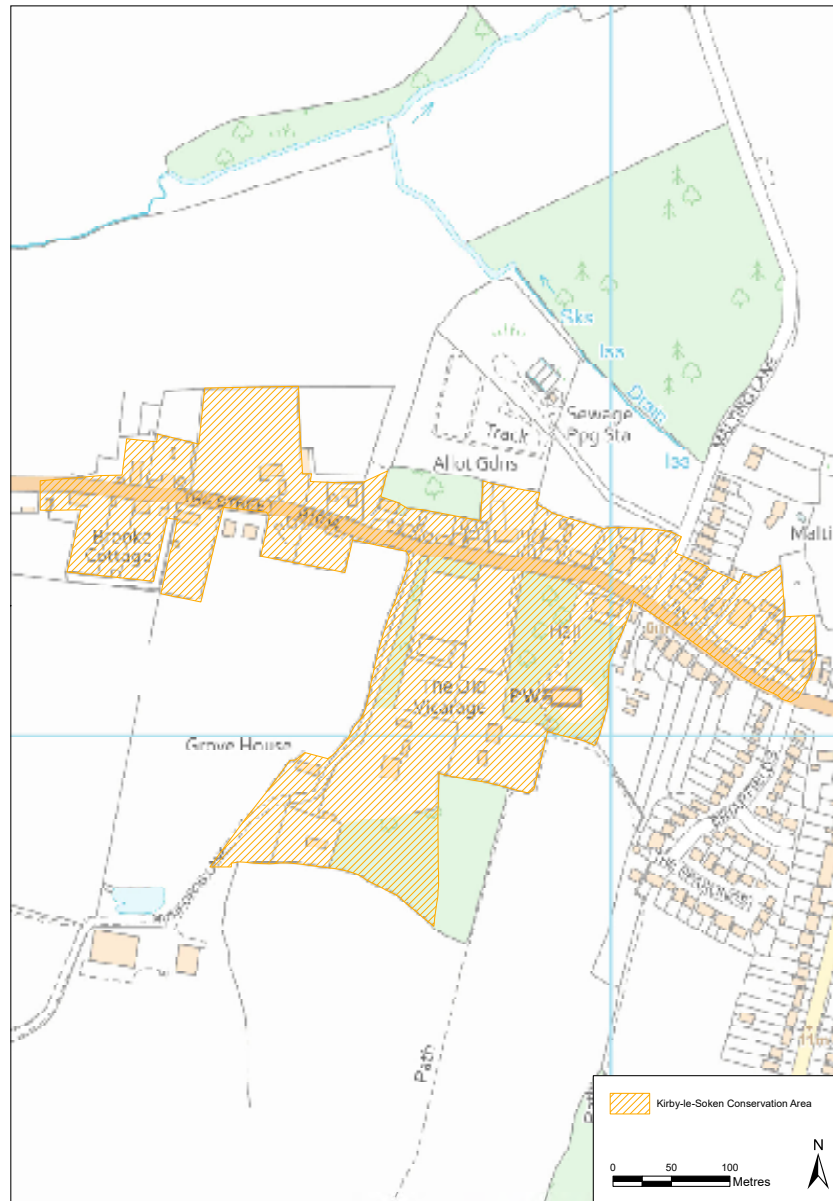


Figure 1 Proposed Conservation Area boundary (orange)



1. Introduction

1.1 Summary

This Conservation Area Appraisal and Management Plan provides an overview of the Kirby-le-Soken Conservation Area, outlining its designation history, alterations to the boundary, and a description of its special interest. The appraisal will also consider buildings, greens, spaces, and features which contribute to the Conservation Area's character and appearance.

Conservation Area designation provides broader protection than the listing of individual buildings as it recognises all features within the area which form part of its character and appearance and ensures that planning decisions take the enhancement and preservation of the area into consideration.

Kirby le Soken is a small village located between Thorpe-le-Soken and Walton-on-the-Naze. Kirby-le-Soken is an isolated, historic residential settlement surrounded by agricultural land from which its significance is derived.

Its special interest also derives from the architectural interest of its historic building stock dating from the sixteenth through to the nineteenth century, which are located at the core of the Conservation Area.

1.2 Conserving Kirby-le-Soken's Heritage

Tendring District Council appointed Place Services to prepare a Conservation Area Appraisal for Kirby-le-Soken. The document is provided as baseline information to support in the conservation of Tendring's heritage.

The appraisal will also consider the significance of heritage assets within the area and the contribution that these, along with their setting, make to the character of the area. The understanding of significance will be used to assess the susceptibility of the Conservation Area to new development, highlighting key assets of importance. Please refer to Section 1.3 for the appraisal's purpose and details on what it will consider.



1.3 Purpose of Appraisal

This document is to be used as a baseline to inform future change, development and design with regard to the sensitivities of the historic environment and its unique character and appearance.

The appraisal recognises designated and non-designated heritage assets within the Conservation Area which contribute to its special interest. It will consider how different Character Areas within Kirby-le-Soken came to be developed, their building styles, forms, materials, scale, density, roads, footpaths, alleys, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities will be used to assess the key characteristics of each area, highlighting potential impact future developments may have upon the significance of heritage assets and the character of Kirby-le-Soken. This assessment is based on information derived from documentary research and analysis of the individual character areas, as well as a review of the previous Conservation Area Appraisal for the area (2006).

This appraisal will enhance understanding of Kirby-le-Soken and its development, informing future design. Applications that demonstrate an understanding of the character and appearance of a conservation area are more likely to produce appropriate and responsive design with positive outcomes for agents and their clients.

It is expected that applications for planning permission will also consult and follow the national guidance outlined in Section 6.2.

1.4 Frequently Asked Questions

What is a conservation area?

Conservation areas are designated by the Local Planning Authority as areas of special architectural or historic interest. There are many different types of conservation areas, which vary in size and character, and range from historic town centres to country houses set in historic parks. Conservation area designation introduces additional planning controls and considerations, which exist to protect an area's special character and appearance and the features that make it unique and distinctive. Although designation introduces controls over the way that owners can develop their properties, it is generally considered that these controls are beneficial as they preserve and/or enhance the value of properties within conservation areas.

The designation process includes detailed analysis of the proposed Conservation Area and adoption by Tendring Council. A review process should be periodically undertaken, and the Conservation Area assessed to safeguard that it retains special architectural or historic interest. Threats can be identified, and the boundary reviewed, to ensure it is still relevant and appropriate. This is in line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The National Planning Policy Framework regards conservation areas as 'designated heritage assets'.



How are conservation areas managed?

Conservation Areas can be supported by an appraisal and management plan. This document is the appraisal and management plan for the Kirby-le-Soken Conservation Area. The appraisal describes the importance of an area in terms of its character, architecture, history, development form and landscaping. The management plan, included within the appraisal, sets out various positive proposals to improve, enhance and protect the character and appearance of the Conservation Area.

The 1990 Planning (Listed Buildings and Conservation Areas) Act specifies the general duty of Local Authorities, in the exercise of planning functions (Sections 71 and 72). The 1990 Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

How can I find out if I live in a Conservation Area?

To find out whether you live within the boundary of a conservation area, you can access boundary maps on Tendring District Council's [website](#). You can also contact your Tendring Council directly to find out if you reside within a conservation area.

What are the Council's duties regarding development in conservation areas?

The Local Authority must follow the guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out in clear terms how development proposals within Conservation Areas should be considered on the basis of whether they preserve and enhance the character and appearance of the area. Applications which fail to preserve or enhance the character or appearance of the Conservation Area are likely to be refused as a result. The Local Plan also typically includes a specific policy on Conservation Areas; for more information, please see Section 1.5 which includes an outline of Tendring's local policy.

What is an Article 4 Direction?

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, certain minor works, such as domestic alterations, can normally be carried out without planning permission. However, some conservation areas are covered by an Article 4 Direction, which brings certain types of development back under the control of a local planning authority. This allows potentially harmful proposals to be considered on a case by case basis through planning applications. Article 4 Directions are used to control works that could threaten the character or appearance of an area and a planning application may be required for development that would otherwise have been permitted development. Historic England provides information on Article 4 Directions on their [website](#).

There are currently no Article 4 Directions in place within the Kirby-le-Soken Conservation Area.



Do I need permission to alter a property in a conservation area?

Many conservation areas have an Article 4 Direction which relates to alterations such as the painting, rendering or cladding of external walls. Alterations or extensions to buildings in conservation areas will generally need planning permission. Your Local Authority should be consulted for advice as to how to proceed.

Do I need to make an application for routine maintenance work?

If routine maintenance works are to be carried out using authentic materials and traditional craft techniques, on a like-for-like basis, it is unlikely that you will need to apply for permission from the Council. However, it is recommended that you contact Tendring Council for clarification before commencing any works. The use of a contractor with the necessary skills and experience of working on historic buildings is essential. Inappropriate maintenance works and the use of the wrong materials will cause damage to the fabric of a historic building.

Will I need to apply for permission for a new or replacement garage, fence, boundary wall or garden structure?

Any demolition, development or construction in conservation areas will generally need planning permission. A replacement boundary, garage, cartlodge or greenhouse will need to be designed with the special historic and architectural interest of the Conservation Area in mind. Your Local Authority will provide advice as to how to proceed with an application.

Can I demolish a building in a conservation area?

Demolition or substantial removal of part of a building within a conservation area will usually require permission from the Council. It is important to speak to them before beginning any demolition works, to clarify if permission is required.

Can I remove a tree within a conservation area?

If you are thinking of cutting down a tree or doing any pruning work, the local planning authority must be notified 6 weeks before any work begins. This enables the authority to assess the contribution the tree makes to the character of the conservation area and, if necessary, create a Tree Preservation Order (TPO) to protect it. Consent will be required for any works to trees that are protected. Further information on TPOs can be found on Historic England's [website](#).

How do I find out more about a conservation area?

Historic England's website has information on conservation areas and their designation. Further information on the importance of conservation areas, and what it means to live in one, can also be accessed via their [website](#).

Historic England has also published an [advice note](#) called *Conservation Area Designation, Appraisal and Management* which sets out advice on the appraisal of conservation areas and managing change in Conservation Areas.

In addition, Tendring Council has information on the conservation areas within their boundaries available on their [website](#). They have information pertaining to when the Kirby-le-Soken Conservation Area was designated, how far it extends and the reason for its designation.



1.5 Planning Policy and Guidance

The legislative framework for conservation and enhancement of Conservation Areas and Listed Buildings is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990). In particular section 69 of this act requires Local Planning Authorities to designate areas which they consider to be of architectural or historic interest as Conservation Areas, and Section 72 requires that special attention should be paid to ensuring that the character and appearance of these areas is preserved or enhanced. Section 71 also requires the Local Planning Authority to formulate and publish proposals for the preservation and enhancement of these areas.

The National Planning Policy Framework (NPPF) highlights good design as one of twelve core principals of sustainable development. Sustainable development relies on sympathetic design, achieved through an understanding of context, the immediate and larger character of the area in which new development is sited.

National planning policy in relation to the conservation and enhancement of heritage assets is outlined in Chapter 16 of the Government's National Planning Policy Framework (DCLG 2021).

This assessment follows best practice guidance, including Historic England's revised *Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management* (2018) and *Good Practice Advice in Planning: 3 The Setting of Heritage Assets* (2017).

The Kirby-le-Soken Conservation Area is located within Tendring District. Local planning policy is set out in the Tendring District Council Local Plan. Saved policies which are relevant to heritage assets include:

Policy LP 6 Rural Exception Sites

Policy PP 13 The Rural Economy

Policy PPL 7 Archaeology

Policy PPL 8 Conservation Areas

Policy PPL 9 Listed Buildings

Tendring District Council adopted its 'Local Plan 2013 - 2033 and Beyond Section 2' in January 2022.

1.6 Designation of the Conservation Area

Kirby-le-Soken Conservation Area was first designated in 1981 and subsequently reviewed in 1987. Further to this, an area appraisal review was adopted in 2006. A Conservation Area Management Plan was later published in 2009.

2. Kirby-le-Soken Conservation Area

2.1 Context and General Character

Kirby-le-Soken is a small rural village located in the Tendring District of north-east Essex and parish of Frinton. The village comprises a single road, named The Street, with properties either side. The Conservation Area is largely residential development with a public house and church. The village of Kirby-le-Soken is isolated from the neighbouring towns and separated by an agricultural and rural landscape. Walton is located to the east, Thorpe-le-Soken to the west and Kirby Cross to the south. North of the Conservation Area is the Hamford Water National Nature Reserve.

Kirby-le-Soken has a distinct residential and rural character afforded by the small-scale dwellings, set within an agricultural landscape (Figure 2).



Figure 2 Aerial Image of Kirby-le-Soken



2.2 Origin and Evolution

The following section provides an overview of the history of Kirby-le-Soken and the surrounding settlements.

Prehistory (-500000 – 43)

The earliest tangible evidence for archaeology within the immediate environs of the Conservation Area dates from the Bronze Age period (2200AD – 700 BC). Evidence for Bronze Age occupation is particularly prevalent within the Tendring district. Evidence for prehistoric activity has been recovered during archaeological investigations along The Street, immediately adjacent to the Conservation Area. Outside of the Conservation Area archaeological investigation to the south-east has revealed further evidence for settlement and activity dating from the Bronze Age to Middle Iron Age period including structural remains and evidence of weaving. Aerial photographic evidence, as revealed in cropmarks, suggests preservation of a widespread Prehistoric landscape in the wider area.

Roman (43 – 410)

Few Roman remains have been identified within, or close to, the Conservation Area. At Kirby Quay, to the north-east of the Conservation Area, the structural remains of salt making sites known as 'red hills' survive, which is likely to be associated with nearby settlement in the wider area.

Early Medieval (410 – 1066)

Surviving evidence for Anglo-Saxon settlement and activity is generally rare within the region, and no Anglo-Saxon material has been recovered from within or in the vicinity of the Conservation Area. However, the placename of Kirby originates from two Scandinavian-derived words, 'Kirk' for church and 'by' for village. This suggests the presence of a church in this location during the Danish Viking period, in the ninth or tenth century. Additionally, 'Soken' suggests that the area was once the holding of a Danish Sokeman, further indicating that the settlement may have its origins in this period.

Medieval (1066 – 1540)

The settlement at Kirby-le-Soken developed immediately to the south of Hamford Water, a tidal inlet leading into the North Sea. The presence of an easy access into the inlet, in the form of a creek projecting south towards the village, was significant to the establishment and growth of the settlement. The establishment of a quay in this creek probably dates to the Medieval period, and pottery of that date has been found nearby.

Immediately adjacent to the Conservation Area along The Street medieval pottery has been recovered. The pottery dated from the eleventh to the thirteenth century, providing evidence for settlement in the medieval period.

The village church is fourteenth century in origin but has been the subject of significant alterations and is now largely a nineteenth century building. Archaeological monitoring during repairs to the church exposed three water-logged wooden piles beneath the tower, that were dated as having been felled between 1330 and 1400 (Figure 3).



Figure 3 Three wooden piles beneath church tower.

Post Medieval (1540 – 1901)

The post-medieval period is marked by an eastern expansion of the settlement along The Street. Most of the surviving buildings from this period, however, are located within the area of the historic core.

The Chapman and André map (1777) (Figure 4) shows a small, low-density settlement noted as 'Kirby'. The development is predominantly located on the north side of the road which is referred to as 'Lower Street'. Both St Michael's Church and Kirby Hall are present on the Chapman and André Map, located just south of the Lower Street. Kirby Hall dates roughly from 1700, although is possibly of earlier derivation.



Figure 4 Chapman and Andre Map 1777



Figure 5 The 1841 Tithe Map for Kirby-le-Soken '© Crown Copyright Images reproduced by courtesy of The National Archives, London, England. www.NationalArchives.gov.uk & www.TheGenealogist.co.uk'

The church has fourteenth and fifteenth century origins, however, was largely rebuilt in 1833 and then restored in 1870. Pevsner makes note of the impressive scale and appearance of the church, although notes the much-altered appearance resulting from the restoration works.¹

Tithe Map 1841 (Figure 5) shows a linear development with some infill properties, particularly within the central section of the Conservation Area, opposite St Michael's Church, where small clusters of buildings are present. A larger, detached building, immediately south-west of St. Michael's church has been constructed. Although not annotated this building is the Vicarage, which was constructed in 1830. Known today as the Old Vicarage, the property is Grade II listed (list entry: 1337138). A proliferation of outbuildings surrounds Kirby Hall.

¹ Pevsner, *The Buildings of England: Essex, second ed.*, p. 256

The first edition Ordnance Survey map 1875 (Figure 6) shows that by the late nineteenth century, the small settlement of Kirby had expanded to a village with the development terminating at The Ship Inn, a public house to the east. The dispersed development has been infilled, resulting in a tighter grain of development to the north side of the road and definitive linear development pattern.

The land to the south surrounding the church, Kirby Hall and the Vicarage had remained open and free of development. A School had been established to the front of the churchyard. The road running through Kirby-le-Soken was named Lower Street; the road running through Kirby Cross, south of the Conservation Area was named Upper Street. The two settlements remained separated by open fields.



Figure 6 First edition Ordnance Survey map of Kirby-le-Soken, 1875



Modern (1901 – now)

In the early twentieth century, the village continued to expand eastwards along The Street.

The second edition Ordnance Survey Map (1925) shows an expansion of Kirby-le-Soken to the east of the Ship Inn, which demarked the edge of the development in the late nineteenth century. Beyond the Conservation Area boundary, new housing developments extending north and south of Lower Street have diluted the linear development. However, the linear development is maintained within the historic core of Kirby-le-Soken. The school to the front of the churchyard has been demolished and replaced with a church hall running parallel to Lower Street. The collection of outbuildings associated with Kirby Hall, which are present on the first ed 1897 OS map, have been demolished; a single barn with midstrey remains. Today this barn is Grade II listed, known as Barn south of Kirby Hall (list entry: 1337139)

During World War II, a pillbox was located to the east of the Conservation Area, and a battery of anti-aircraft guns were mounted in a field to the north-west of the village.

Through the late twentieth century, there has been some infill development within the Conservation Area. However, these are sporadically placed throughout the Conservation Area. Expansion of the village outside of the Conservation Area boundary has been characterised by large housing developments being constructed to the north and south-west.



2.3 Revisions to the Boundary

As part of this review, the Conservation Area boundary has been revised to reflect changing methodologies of good practice and provide a clearer strategy which acknowledges the practicalities of Kirby-le-Soken's unique built environment, in line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF guidance on Conservation Areas, paragraph 191.

Additions

The Conservation Area boundary should include the gardens of the properties within the Conservation Area. They form the domestic curtilage and contribute to our understanding of land use, layout and an indication of the area's development.

It is recommended to include the Oxborrows Yard, Maltings Lane. The site has historically been a service yard as noted on the Tithe Apportionment (1841). Therefore, it is considered to contribute to the Conservation Area's historic development and character. The site was formerly occupied by Oxborrow Engineering but at the time of the assessment was vacant. The Oxborrow Family, Blacksmiths and Engineers, have a long-standing association with Kirby-le-Soken and Tendring dating from 1812. The early nineteenth century forge was demolished for residential development in 2004.² The property is visible from within the Conservation Area and is an attractive nineteenth century industrial building, unique within the area, contributing to local character and appearance.

Reductions

It is proposed to remove the back land development behind Number 44-64 as it undermines, and is inconsistent, with the historic grain of development. The development is of a low scale, however, it is visible in the skygaps between the properties fronting The Street; this detracts from appreciation of Kirby-le-Soken as an isolated settlement. The quality of the development does not positively respond to the character and appearance of the Conservation Area.

² Kirby-le-Soken History pages, <http://www.kirby-le-soken.co.uk/oxborrow.html>

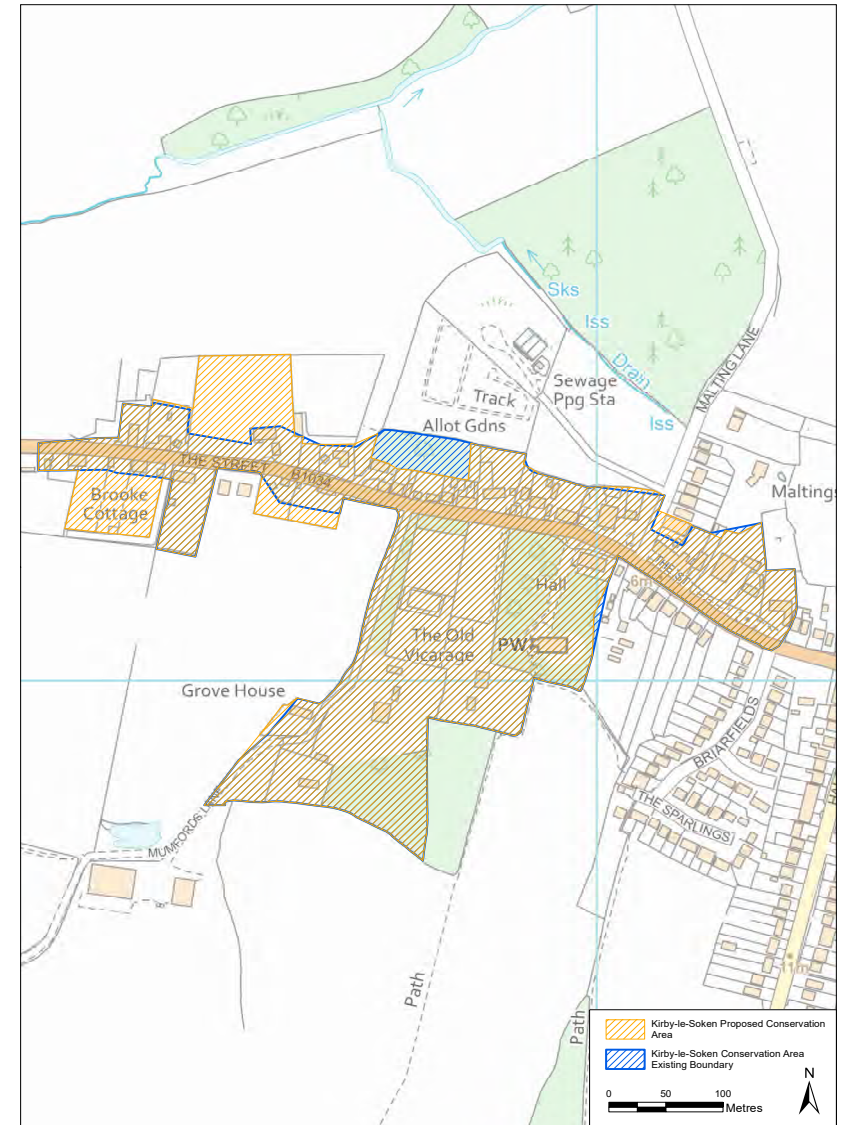


Figure 7 Proposed Boundary Revisions



2.4 Designated Heritage Assets

There are ten designated heritage assets within the Kirby-le-Soken Conservation Area boundary, including domestic and agricultural buildings as well as a church and a memorial plaque. A full list of all the designated assets within the Conservation Area is included in Section 3 and 6.1.

These buildings, structures and features have been listed due to their special historic and architectural interest as defined by Department for Digital, Culture, Media & Sport (*Principles of Selection for Listed Buildings*, 2018). Further information about the listing process can be found on the Historic England [website](https://historicengland.org.uk/listing/what-is-designation/listed-buildings/).

Listed Buildings and features

The rarer and older a building is, the more likely it is to be listed. As a general principle, all buildings that pre-date 1700 and are in a relatively intact condition will be listed, as will all buildings that date between 1750 and 1850. There is a strict criterion for buildings built after 1945; buildings less than thirty years old are unlikely to be listed unless they have been deemed as exceptional examples of their type.

Listed buildings are considered under three grades in England. Grade I buildings are of exceptional interest and make up approximately 2.5% of all listings; Grade II* are of more than special interest; Grade II are of special interest and most common, making up 91.7% of all listings.³ Listed buildings are protected by government legislation and there are policies in place to ensure that any alterations to a listed building will not affect its special interest. It is possible to alter, extend or demolish a listed building but this requires listed building consent and sometimes planning permission.

Kirby-le-Soken Conservation Area contains several listed buildings within the village core which emphasises its special interest and its historical development.

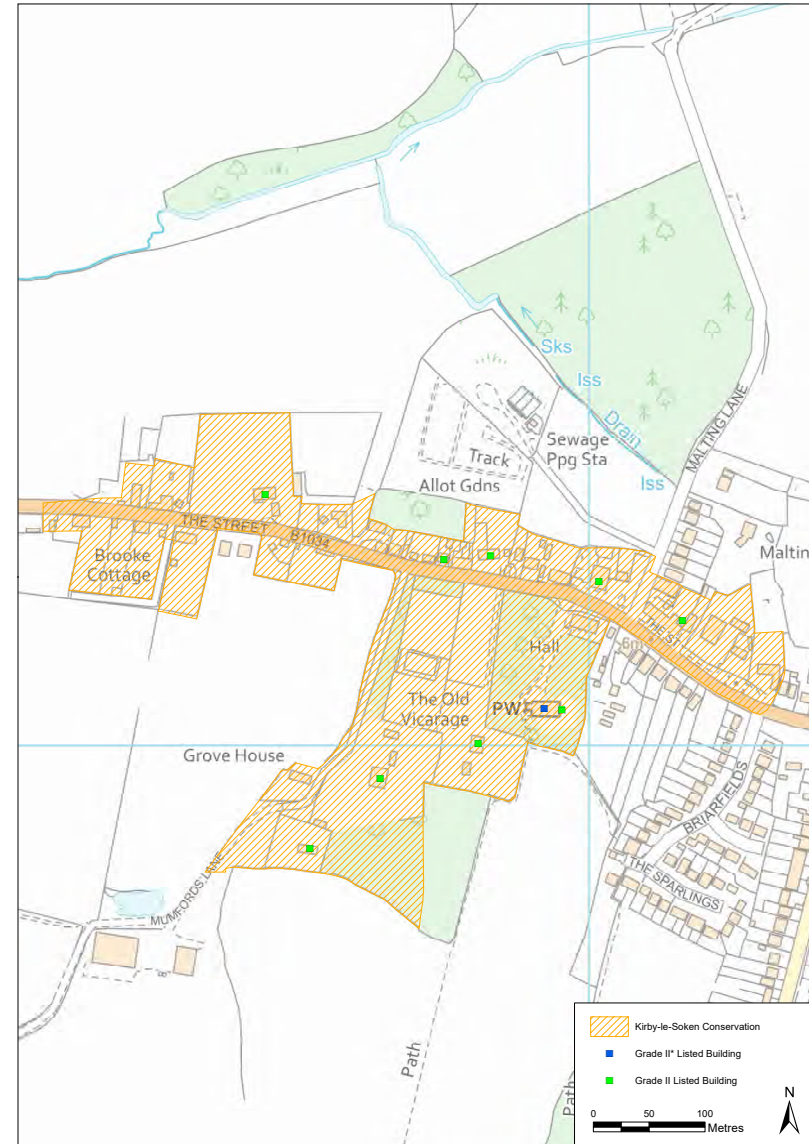


Figure 8 Map of Designated Heritage Assets

³ Historic England, Listed Buildings <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>



2.5 Non-Designated Heritage Assets

Every building, space and feature within a Conservation Area makes a contribution to its character and special interest, be it positive, neutral or negative.

Heritage assets are defined in Planning Policy as ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.’⁴

Not all heritage assets are listed, and just because a building is not included on the list does not mean it is of no heritage value. Buildings and other smaller features of the built environment such as fountains, railings, signs and landscaping can make a positive contribution to the appreciation of an area’s historic interest and its general appearance.

Local listing is an important tool for local planning authorities to identify non-listed buildings and heritage assets which make a positive contribution to the locality. At present there is no approved local list for Tendring District. This document has identified heritage assets which make a positive contribution to the Conservation Area and could be considered for local listing in the future. Key un-listed buildings are identified in the analysis of the character areas in Section 3 of this appraisal.

The area is comprised largely of vernacular dwellings dating from the sixteenth through to the nineteenth century. There are many positive buildings within the Conservation Area that collectively contribute to the Conservation Area’s significance. Buildings that respond to the local character and distinctiveness are likely to make a positive contribution to the Conservation Area’s special interest.

4 NPPF, p67

2.6 Heritage at Risk

Tendring District Council published a Heritage Strategy in 2019 using data from the Heritage at Risk Programme (HAR) by Historic England, however there is not a separately published Heritage at Risk Register by Tendring District Council.

2.7 Archaeological Potential

Little archaeological fieldwork has been undertaken around Kirby-le-Soken. The prehistoric cropmarks, Bronze Age-Middle Iron Age pit and recent exposure of a prehistoric landscape to the south-east indicate the potential for Prehistoric archaeology to survive within the area. The Roman red hill at Kirby Quay suggests salt-making is being carried out in the vicinity during this period. The focus of this industry would have been around the tidal inlet, but an associated settlement would have existed, presumably further inland.

The majority of the archaeological remains surviving within the Conservation Area are likely to comprise medieval and post-medieval features, structures and finds, related to the establishment and growth of the village from the Late Saxon period onwards.

Soil conditions are variable; the London Clay allows for the preservation of faunal remains whilst the sands and gravels partially overlaying it are acidic and faunal survival is poor. Artefacts such as ceramics, building materials and metal survive on both soil types, albeit in better condition within the clay. Within clayey soils waterlogged deposits can survive and should be anticipated in deeper features such as wells and cess-pits.



3. Assessment of Significance

3.1 Summary

Kirby-le-Soken is a small, rural village with a strong linear development along The Street. The Conservation Area includes the core of the village’s historic development and is made up of two character areas. The first is the village core, comprising of the residential development lining The Street dating from the sixteenth century beginning at Number 51, The Street and stretching eastwards terminating at the Kirby-le-Soken village sign. The second character area is just south of The Street, including the St Michael’s Church, Kirby Hall and The Old Vicarage, including their associated land and green space.

The village of Kirby-le-Soken extends east beyond the Conservation Area boundary, however, the development outside the Conservation Area boundary comprises of housing development predominantly dating from the mid-late twentieth century. There are some historic buildings that are located outside of the Conservation Area boundary to the east, including one listed building (Street House, list entry: 1111539). However, they sit outside the Conservation Area boundary due to the extent of modern development and dilution of the linear development pattern.

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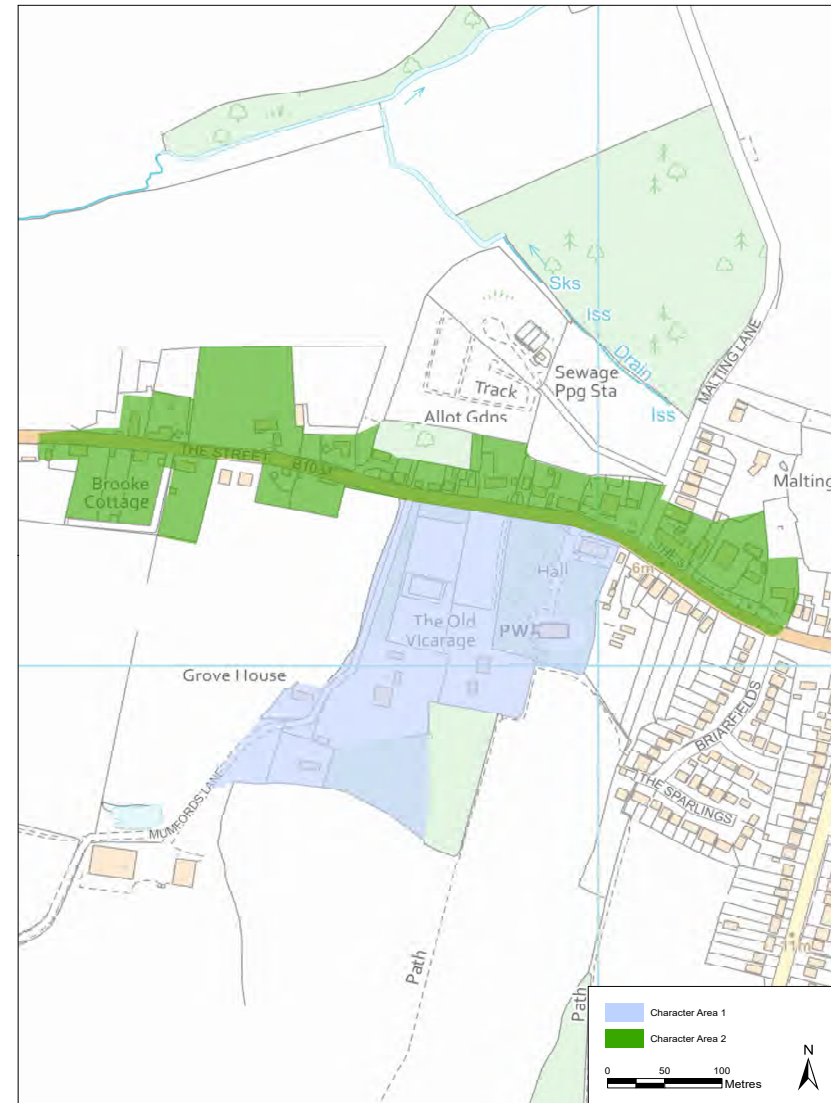


Figure 9 Map depicting Character Area One, The Village Core, in green

3.2 Character Analysis: The Village Core

Summary of Character Area One

The Village Core character area comprises the properties lining The Street, stretching east to west and is defined by the traditional vernacular buildings dating from the sixteenth century to the nineteenth century. There are a limited number of modern infill dwellings dating from the twentieth and twenty-first century.

There is one commercial property within this area, The Red Lion Public House, located at the centre of the village opposite the Church of St. Michael. There are five listed buildings within this character area all of which are Grade II listed shown in Figure 8:

- Meadow View Cottage (list entry: 1111499)
- Norton's Barn (list entry: 1337137)
- Post Office House (list entry: 1165726)
- Red House White House (list entry: 1111498)
- The Red Lion Pub (list entry: 1111497)



Figure 11 looking west showing Number 45 The Street

When entering the village from the west, the road narrows from a two-way road flanked by low hedgerow with long views of the agrarian landscape to the north and south to a single-track lane, lined each side with cottages bounded by taller hedgerows and grass verges. This transition is indicative of the extent of Kirby-le-Soken's historic development to the west and defines the entrance of the Conservation Area. The arrangement of cottages is informal but compact, with some fronting the road and others set slightly back (Figure 10).



Figure 10 Photograph looking into the western end of the Conservation Area



Figure 12 Looking west showing number 57 The Street in the foreground and Number 61 and wider countryside in the background



Figure 13 Photos showing agricultural fields adjacent to Number 41

Travelling east, the residential development to the south of The Street terminates at Number 41. Just beyond Number 41, there are views of the rural setting and church tower, due to an open field with low hedgerow (Figure 13). The road here widens and there are long views into the centre of the Conservation Area, framed by cottages on the northside of The Street which have narrow front gardens, including the Grade II listed Meadows Cottage (Figure 15).



Figure 14 Number 41 The Street



Figure 15 Cottages along northside of The Street, including Meadows Cottage which is pastel pink



Figure 16 Photograph of Grade II listed Red House White House

Numbers 46-50 are a row of roughcast rendered terraced properties fronting the pavement, beyond this terrace is Red House White House, which is well set back from the road, enabling a break up in the density of built form (Figure 16). From Red House White House to Number 34, the dwellings are evenly spaced with larger front gardens bound by low red brick walls; the size of their front gardens is unique to this row. Numbers 36 and 38 do not form part of the area’s historic development, however their scale and appearance are sympathetic to the setting of Red House White House and the character of the Conservation Area. The setback arrangement of this part affords views looking west of the attractive and complex roofscape of Red House White House.

Waterloo House, Number 34 is contrary to the small scale seen throughout the Conservation Area and is therefore, notable within the streetscene. It is an attractive vernacular and prominent dwelling which contributes positively to the streetscene.



Figure 17 Photograph looking west showing the roofscape of Red House White House in the background with Waterloo House in the foreground

The centre of this character area and the Conservation Area is marked by Grade II listed The Red Lion public house to the northside of The Street (see Figure 18). The Red Lion is a large, rendered building with a red clay tile roof and is separated from neighbouring properties by its large carpark to the east and garden to the west. The spacious plot allows the public house to be understood and appreciated as a focal point within the community. The open carpark also affords views of Lilac Cottage which sits to the northeast of the pub.

The Kirby-le-Soken Conservation Area excludes the modern house development along the south side of The Street; although this development reinforces the linear development pattern it dilutes the understanding and experience of Kirby-le-Soken's historic peripheries.

Around the centre and eastern end of the village core, the pavements are wider resulting in a greater sense of openness. After the Red Lion public house is Maltings Lane, which leads out to the Walton Backwaters (Figure 19).



Figure 18 Photograph of the Red Lion Public House



Figure 19 Photo showing the Red Lion, Number 34 and Red House White House in the background



Figure 20 Photo showing Post Office House

Immediately after Maltings Lane is an attractive row of terraced properties, Number 28 – 16, including the Grade II listed Post Office House (Figures 20 and 21). This row of dwellings are rendered with slate roofs and prominent chimneys. The Post Office House terminates the terrace and is a single storey property with a red clay tiled roof. Formerly a shop, which once served as the Post Office, it is now in use as a dwelling. The row is separated from the road by a small green and an tarmacked road for vehicle access and parking. The beginning of the green, and openness afforded, contributes to the village atmosphere.



Figure 21 Close up of maltings Cottages



Figure 22 Photograph looking east along The Street showing the green to the north side.



Figure 23 Photograph of Number 14 and Number 12

After Number 14, the green widens to a larger lawned area where there is a War Memorial and formal planting beds. The residential development to the north of The Street is well set back from the road; the properties are detached and sit in spacious plots. The skygaps between dwellings provide views of trees behind, which emphasises the rural and isolated location of Kirby-le-Soken. The Conservation Area terminates at the end of the green, where the pedestrian way narrows, and residential development continues along The Street.

Land Usage

The land use within The Village Core character area is defined by the historic residential development of Kirby-le-Soken with a main thoroughfare known as The Street. There is one commercial property, The Red Lion, located at the centre of the Conservation Area opposite the church. There is also a green that runs parallel to The Street after Maltings Lane.



Figure 24 Photograph showing eastern elevation of Red Lion and associated car park. Lilac Cottage to the right.



Figure 25 Photograph of the war Memorial with Number 8 in the background



Figure 26 Kirby-Le-Soken green and village sign

Landscaping, Open Spaces and Public Realm

The western end of the Conservation Area has limited landscaping and open space due to the compact row of dwellings which line The Street. Landscaping is refined to soft boundary treatments and small front gardens. Travelling east the development is less compact, which affords a greater sense of openness. There are two key open areas in the centre of the Conservation Area where there is a bend in the road; this defines the heart of the Conservation Area.

The green, which stretches from the centre of the Conservation Area to the eastern boundary, is divided in three by vehicle access ways. The green is predominantly well-kept lawn with some mature trees and formal flower beds surrounding the War Memorial (Figure 25). The green also has benches, a streetlamp, post box and a telephone box which are all a traditional and sympathetic appearance (Figure 26). The Kirby-le-Soken Village sign is located to the eastern edge of the green.



Figure 27 the green with stocks and Red Lion carpark in the backgrounds



Figure 28 Postbox and telephone kiosk book exchange on the green

The red post box and K6 telephone box are attractive and contribute to the rural village atmosphere. The K6 telephone box, although not original to Kirby-le-Soken, is now a micro-library offering a free book exchange. The mature trees planted along the green help maintain a sense of enclosure to the north side of The Street and enhance the streetscene

The Red Lion is slightly set back within the road and is surrounded by a tarmacked carpark immediately to the east which can be accessed from The Street or Maltings Lane. The carpark is enclosed to the rear by a close boarded fence demarking the boundary of Lilac Cottage; the large, tarmacked area and pedestrian ways that are flush with The Street afford the centre of the Conservation Area a greater feeling of openness. (Figure 24).



Figure 29 Row of residential cottages Numbers 64--60 located opposite Mumfords Lane

Local Building Materials and Details

The properties located in this character area are typically small and modest sized vernacular dwellings set over one and a half to two storeys. The small scale of development is a defining feature of Kirby-le-Soken, emphasising its historic rural character. One and a half storey dwellings have small dormers to the attic level, and there are flat and pitched dormers throughout the area.



Figure 30 Numbers 38 and 36 which are modern additions with Waterloo House in background



Figure 31 Photograph of Number 40 The Street, with Red House White House in the background

There is a good use of traditional building materials within this character area. For the most part, dwellings are rendered in soft pastel tones or light-coloured render which contributes to a unified appearance through The Street. There are some dwellings with roughcast render and some redbrick buildings, although these are less common.

There are few properties with weatherboarding as an elevation treatment. Black weatherboarding can be seen at Number 57 The Street, which is a characterful property within the streetscene. It can also be seen to the flank elevations of dwellings.

Roof coverings are predominantly red clay tiles; other roof coverings include slate and clay pantiles. The historic dwellings have open verge detailing. There are instances where traditional roof coverings have been replaced with concrete tiles which detracts from the architectural interest of the Conservation Area.

The architectural detailing in this character area is simple which is indicative of the rural village character. Properties are either gabled or hipped in form. There are some properties that retain traditional timber windows which is positive; however, many have been replaced with modern uPVC and aluminium of untraditional colours which detract.

Boundary treatments within the western end of the Conservation Area where the road is narrow are predominantly hedges which softens the approach into the Conservation Area. Some of the hedges are substantial and frame the entrance into the Conservation Area. Soft boundary treatments are less prevalent progressing into the centre of the Conservation Area from and to the east end. There are some characterful picket fences as well as low redbrick walls which contribute to the traditional appearance of the Conservation Area.



Figure 32 Traditional windows of Number 28 The Street



Figure 33 Traditional low brick wall surrounding the church hall



Figure 34 Terraced housing behind the green including Post Office House

There are some examples of close boarded fencing, rendered walls as well as yellow/ buff brick walls which do not respond to the character and appearance of the Conservation Area and appear visually intrusive within the streetscene

Contribution by Key Un-Listed Buildings

There are numerous buildings within the Conservation Area that positively contribute to its significance. The buildings that reflect local character and distinctiveness collectively define the character and appearance of the Conservation Area. The following buildings, located in character area one, have been identified as key unlisted buildings by virtue of their derivation, scale, form and appearance.

Number 57, The Street is a one and a half storey weatherboarded dwelling with a slate roof (Figure 35). The property sits perpendicular to the road, gable ended with decorative barge boards and a finial painted white. There is a single storey porch entrance to the east elevation and a lean to on the west elevation, both covered in red clay pantiles. There is a slender red brick chimney to the rear. The small scale and attractive detailing make it a noticeable dwelling within the streetscene. The property does have a larger modern extension to the rear, however, this does not visibly detract from the original scale and historic core of the property.

Waterloo House (Number 34, The Street) is a large, detached and double piled dwelling of two-storeys and rendered elevation. The frontmost pile sits under a slate roof and the rear is covered in red clay tiles. It is one of the larger dwellings running parallel to The Street, making it a visually prominent within the streetscene. The single storey outbuilding to the west of the property is present of the first edition Ordnance Survey map (1897) and may be contemporary with the principal dwelling. The first floor has six over six sash windows; the windows to the ground floor windows and central entrance appear to be modern alterations.



Figure 35 Number 57, The Street

3.3 Character Analysis: St Michael's Church, Kirby Hall and The Old Vicarage

Summary of Character Area Two

This character area is set to the south of character area one and The Street. It includes Mumford Lane, St Michael's Church and the church hall, Kirby Hall, the Barn southwest of Kirby Hall and Old Vicarage including their associated land. There is a dwelling of modern construction opposite Kirby Hall which is contrary to the character and appearance of this section of the Conservation Area. Kirby Hall and the church are fundamental to the village's development and form the nucleus of the settlement. This character area is very green in appearance which is afforded by the mature trees, grassed areas around the church and large private residential gardens.

The properties within this character area are mainly high-status buildings, and one agricultural building barn. All the buildings, apart from the church hall are listed. There is also a Grade II listed memorial plaque below the east window of the church (list entry: 1111501). The listed buildings in this character area are:

- Church of Saint Michael (list entry: 1111500) (Figure 36)
- The Old Vicarage (list entry: 1337138)
- Kirby Hall (list entry: 1111502)
- Barn southwest of Kirby Hall (list entry: 1337139)



Figure 36 St Michaels Church with the Old Vicarage in the background

Pedestrian and vehicle access within this character area is limited as a result of the private residences, resultingly this sub area of the Conservation Area is more isolated from the village core. The lack of through traffic and mature trees contribute to a calmer and secluded atmosphere. Mumford Lane is a single-track lane extending south from The Street providing access to Kirby Hall and Kirby Hall Farm (Figure 38). It is heavily lined with mature trees which frame the lane and affords a sense of enclosure and privacy. Mumford Lane is a public footpath, providing a pedestrian link from the Conservation Area out to the surrounding countryside. Walking south along Mumford Lane the line of trees stops at Kirby Hall; the open grass verges here provide an indication of the transition to the open rural landscape that bounds the Conservation Area. At the southern edge of the Conservation Area boundary just off Mumford Lane is the Grade II listed Barn southwest of Kirby Hall. The barn is still in agricultural use today which contributes to our understanding and appreciation of the agricultural land use associated with Kirby Hall and Kirby Hall Farm.



Figure 37 Barn southwest of Kirby Hall

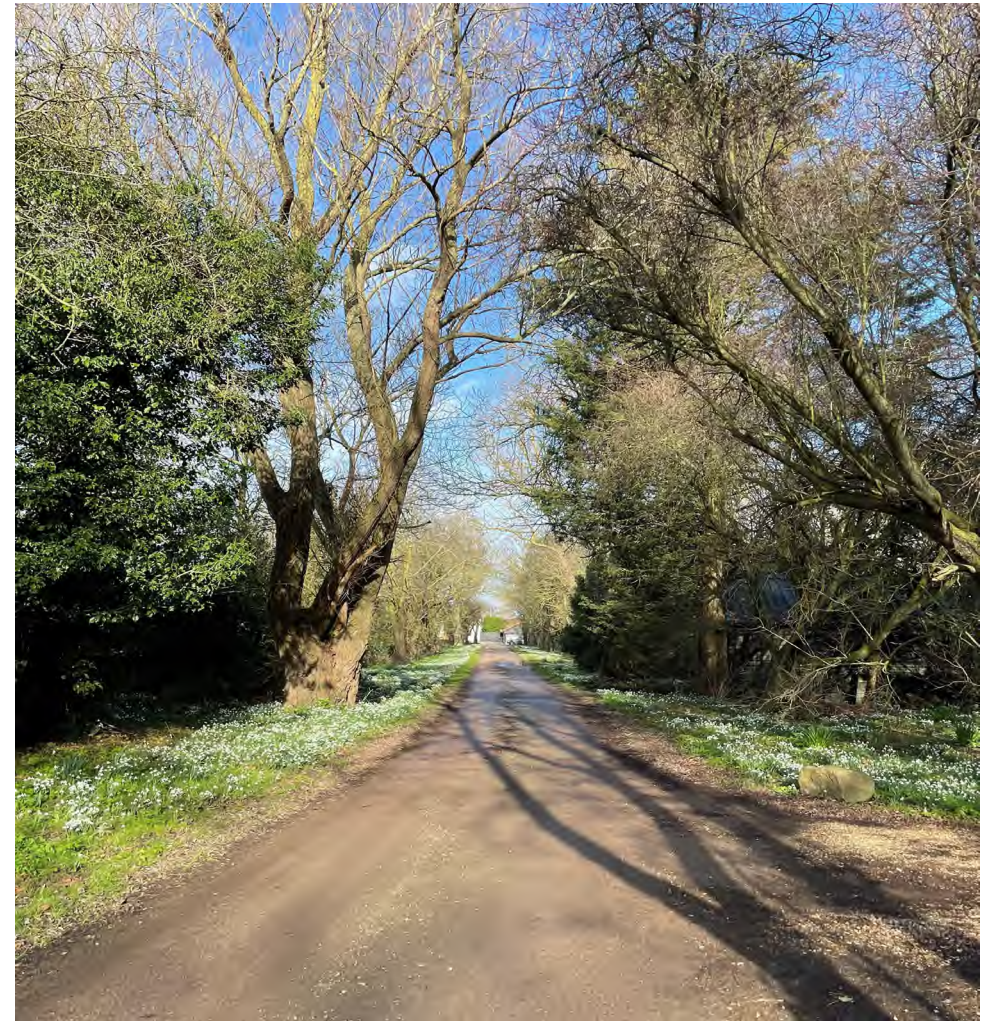


Figure 38 Mumfords Lane



Figure 39 St Michaels Church

The approach to the church is tarmacked and treelined with clear views of the church, the front boundary along The Street marked by iron railings, a unique boundary treatment within the Conservation Area reflecting the pre-eminence of the church. There are some parked cars lining the approach on the right, but parking bays are informal, and the cars are relatively unobtrusive. A public footpath through the churchyard leads to the fields beyond to the south. Although the church hall fronts The Street it has been included in this area by virtue of its functional relationship with the church. The church is a long-range building running parallel to the street and marks the end of the Conservation Area boundary to the south when travelling east.

Kirby Hall and The Old Vicarage are two significant buildings set within large plots surrounded by mature trees (Figure 40). Kirby Hall can be viewed from Mumford Lane; it is a large red brick building set over two and half storeys with a decorated central entrance and sits under a red clay tiled roof. There are limited views of The Old Vicarage, however, there are glimpsed views between the trees from the approach to the church which contributes to our appreciation of their former historic relationship and function.



Figure 40 Kirby Hall



Land Usage

The land use in this character area is mixed. The north-east section is occupied by the church and churchyard which is predominantly grassed and scattered with gravestones. A large portion is in residential use, occupied by the extensive private gardens that surround Kirby Hall and The Old Vicarage. A small parcel of land to the south-west, the location of the Grade II listed Barn south-west of Kirby Hall, is in agricultural use. The development within character area two is low density and the land to a large extent is characterised by the verdant landscaping.

Local Building Materials and Details

Buildings materials within this are varied by virtue of the mixed land use and architectural significance of the properties. Four out of six of the buildings in this character area are listed, and therefore they are of national and local significance.

The church is the most architecturally and materially unique within the Conservation Area. It is constructed in stone and flint under a plain red tiled roof.

The materials of the residential buildings are traditional and well preserved due to their statutory listing. Red brick, render, red clay and slate roof tiles are used within this character area. The barn is black weatherboarded which sits on a red brick plinth. However, the traditional roof covering has been replaced with a corrugated asbestos roof which is unsympathetic.

Landscaping, Open Spaces and Public Realm

The properties within character area two are all set on large verdant plots which is a defining feature of the character area. Public access to open space is limited as the area is largely occupied by private residential gardens. The churchyard is a key landscaped area and open space within character area two; the churchyard is predominantly grassed, bound to the front by metal railings and surrounded by hedging and mature trees; the church hall is located to the north-east corner of the churchyard with a low red brick wall to its front boundary. There are gravestones each side of the approach to the church and a gravelled pathway leads to the rear of the church where there are views out to the agrarian landscape. The churchyard is a significant space within the Conservation Area as it is a focal point for community activity.

Contribution by Key Un-Listed Buildings

There are no key unlisted buildings within this character area. The significance of the buildings within this Conservation Area are recognised by their statutory listing.

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Figure 42 The churchyard with The Street in the background and church hall to the right



Figure 41 Approach to St Michaels Church



Figure 43 The Church Hall

3.4 Views

Key views are identified on Figure 44. The views included in this assessment are a selection of key views; this list is not exhaustive and there may be other views of significance. Any proposals for development within the Conservation Area, or its environs, should consider the views below and any others which may be relevant or highlighted as part of a bespoke assessment of that proposal.

Views of the church are limited throughout the Conservation Area due to the linear pattern of development and mature tree screening. However, there are glimpsed views of the church tower throughout the Conservation Area. These views are important to our experience of the area, as the tower forms a nucleus of the historic development and these views emphasise the tower's role as landmark within the Conservation Area.

Views out across to the wider rural landscape are also limited due to the tight grain of development. However, there are some important views out to the wider setting particularly from the west end of the Conservation Area and within character area two.

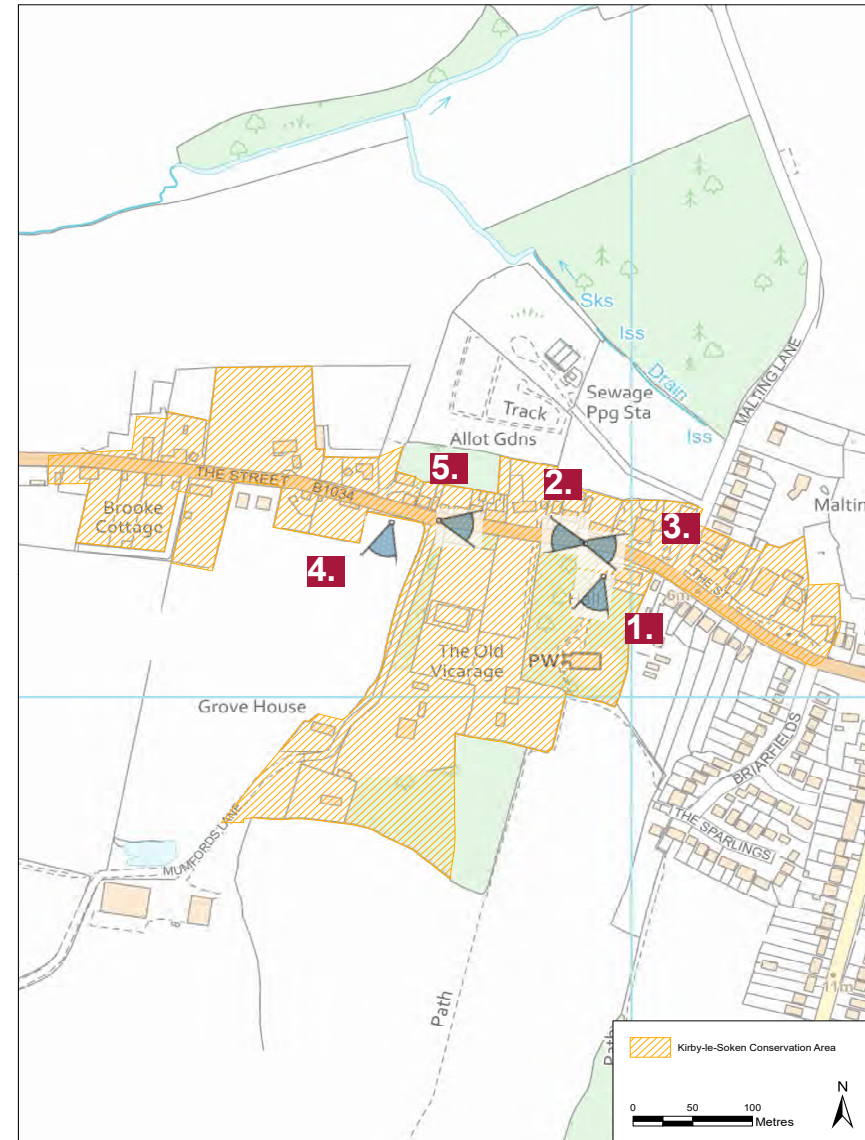


Figure 44 Key Views Map



Figure 45 Photograph of the church and approach from The Street

View 1: Views of the church from The Street (Figure 45)

View 1 is positioned at the heart of the Conservation Area. When stood on the pedestrian way near the Red Lion looking south, it affords uninterrupted views of the church and its approach. Due to the development pattern and verdant screening, this is the only location from The Street where there are views of the church in its entirety.



Figure 46 Looking west along The Street

View 2 and 3: Views east and west along The Street (Figure 46)

View 2 and 3, these two views are also located at the centre of the Conservation Area. Due to the bend in the road, there are long views east and west along The Street which emphasises the linear development of the Conservation Area. This view is significant because is it the only location in the Conservation Area that affords longer views in both directions.



Figure 47 Photograph from The Street looking south to the surround agrarian landscape

View 4: Views of surrounding rural landscape from The Street

View 4 is an important view across an undeveloped field adjacent to Number 41. This field is located outside the Conservation Area boundary but forms part of its immediate setting. This field affords views out across an open agricultural landscape, offering relief from built form and glimpsed views of the church tower behind the tree lined Mumfords Lane (Figure 47).

View 5: View looking to the Conservation Area centre

View 5, there are long views into the centre of the Conservation Area which is terminated by the row of terraced cottages (Numbers 28 and Maltings Cottages). This view shows the start of the green and emphasises the linear pattern of the Kirby-le-Soken's development.



3.5 Setting of the Conservation Area

The NPPF describes the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Historic England Good Practice Advice 3: Setting of Heritage Assets (2017) indicates that the setting of a heritage asset is the surroundings in which the asset is experienced. It goes on to note 'Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset'.

Historic England's advice note on setting includes a:

"(non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance'. As the advice note states, 'only a limited selection of the attributes listed will be of a particular relevance to an asset.'"

This checklist has been used to inform this assessment.

The detailed guidance on heritage asset setting states that all heritage assets have a setting whether they are designated or not, irrespective of the form in which

they survive.⁵ In the analysis of setting, the important contribution of views to the significance of heritage assets and the ability to appreciate that significance is often a primary consideration. Yet the contribution a setting makes to the significance of a heritage asset, such as the Kirby-le-Soken Conservation Area, is not limited to views alone. Setting is also influenced by other environmental factors such as noise, traffic and vibration from other land uses. The detrimental alteration of the character of a setting may reduce our ability to understand the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access, view or experience that setting.⁶ Therefore, any application for development within the setting of a heritage asset is subject to constraints.

In addition, paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets (including the setting of Conservation Areas), to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Therefore, the favourable treatment of proposals that retain the open, agrarian character of the Conservation Area's setting should be reinforced by the local authority, while proposals that fail to retain this character should be considered as harmful to the significance.

When assessing an application for development which may affect the setting of a heritage asset, local planning authorities should also consider the implications of cumulative change and incremental harm. New developments and changes can not only detract from a heritage asset's significance in the short-term but may also damage its significance and economic viability now, or in the future, thereby threatening its on-going conservation.

5 Historic England. 2017 *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*

6 Ibid

Surrounding landscape

Kirby-le-Soken and its surrounding, undeveloped and rural landscape is a defining feature of the Conservation Area's setting that has an important positive contribution to the significance. Kirby-le-Soken's setting contributes to a continued understanding and appreciation of the historic settlement in an isolated and agrarian setting, which remained largely unchanged until the early twentieth century.

The wider setting of rural and arable farmland can be seen from some aspects from within the Conservation Area (Figures 48 and 49). This is particularly realised from the west end of the Conservation Area, providing strong visual links between the Conservation Area and its rural setting. There are also glimpsed views of the Kirby-le-Soken village, including the church tower, from the surrounding rural landscape which contributes to an understanding of Kirby-le-Soken as an isolated settlement.



Figure 48 Conservation Area and its rural setting



Figure 49 Open fields around the Conservation Area

The approach into the Conservation Area from the west is characterised by open, agrarian fields, remaining largely unspoilt by modern development. The surrounding arable land provides a wealth of green and open space, which makes an important contribution Kirby-le-Soken's significance as a rural village and enhances the way it is experienced and understood (Figure 50).

Modern housing development permitted to the north and south-west encroaches into the surrounding rural landscape, particularly to the south (Figure 51). The development north and south of The Street is contrary to the historic development pattern of the village. Due to the important contribution made by the open fields and landscape, further development on the open fields surrounding the Conservation Area would detract from the significance of Kirby-le-Soken as an isolated rural development.



Figure 50 Open, agrarian fields, remaining largely unspoilt by modern development



Figure 51 Modern development to the rear of properties along The Street



Figure 52 Former site of Oxborrow Engineering

Within the centre of the Conservation Area there are views from The Street of a service yard and building (formerly Oxborrow Engineering) which sits behind Number 28 on Maltings Lane (Figure 52). The single storey red brick building with white painting facade is a characterful industrial structure with a chimney to the rear and contributes to a variation in the predominantly residential streetscene. It is recommended to include this property within the Conservation Area.

From the east, the settlement of Kirby-le-Soken extends beyond the Conservation Area boundary so the approach into the Conservation Area is more developed than the west. However, the rural and isolated setting of the settlement can still be appreciated before reaching the development along Walton Road, which bounds the Conservation Area. As evident through historic maps (see Figure 4), the development continued along The Street and terminated at The Ship. There are some properties located outside of the Conservation Area boundary that formed part of the area's historic development. They make an important part of the setting that contributes to the significance of the area, however, it is considered impractical to include these within the designation, due to the extent of change and development to the west of the Conservation Area.



4. Opportunities for Enhancement

The following opportunities for enhancement have been identified and are summarised below in brief. The list is in no way exhaustive and neither are the opportunities identified unique to Kirby-le-Soken with many being shared with other Conservation Areas.

4.1 Car Parking

There are some cars parked informally along The Street, particularly opposite Numbers 46-48 where there is an unsurfaced layby. Also, to the front of Number 16-28 lining the green are parked cars. However, they are relatively unobtrusive and do not encroach onto the main thoroughfare. Some properties have off road parking. Although, there are instances where front gardens have been replaced with hardstanding to provided carparking. This type of development detracts from the rural character and appearance of the Conservation Area through loss of greenness and has an urbanising effect.

4.2 Inappropriate Modern Alterations

There are examples of inappropriate and unsympathetic additions within the Conservation Area which can result in a cumulative impact on the area. The addition of uncharacteristic porches, the installation of TV aerials, extraction flues to street facades, sides and rear of buildings harm the historic character of the area and appearance. Care should be taken that unsympathetic additions do not impact key views and the character of groups of historic buildings is preserved.

Care needs to be taken within the Conservation Area that windows, doors, roofs and other architectural elements are not replaced with those of inappropriate design and materials. The character of the Conservation Area is defined by the historic palette of materials used and this piecemeal loss of fabric can cumulatively have a more significant impact on the character and appearance than any of the other concerns.

Doors and windows

A key concern across the majority of the Conservation Area is the alterations to windows and doors. The replacement of timber windows with inappropriate uPVC windows can impact the historic character of a building, and the contribution they make to the appearance of the Conservation Area. The location of doors and windows within a historic building is also an essential part of its character, and by altering their position, or blocking them up, this can detract from its appearance, for example.

Historic England's *Traditional Windows Their Care, Repair and Upgrading (2017)* advises that *"the loss of traditional windows from our older buildings poses one of the major threats to our heritage. Traditional windows and their glazing make an important contribution to the significance of historic areas. They are an integral part of the design of older buildings and can be important artefacts in their own right... The distinctive appearance of historic hand-made glass is not easily imitated in modern glazing."* The loss of historic joinery such as sash and casement windows and panelled doors results in a degree of harm to the significance of an historic building, and the loss of crown or other early glass can also cause harm to the significance of buildings. Historic England's 2017 advice recommends that 'surviving historic fenestration is an irreplaceable resource which should be conserved and repaired whenever possible.'

Where draughts are causing an issue, the repair and refurbishment of windows can improve the thermal performance of historic windows in the first instance, along with the use of shutters and heavy curtains. Alternatively, modern technology allows for well-designed secondary glazing; special timber casements that can be constructed and fixed to the interior of the frame using sections and mouldings to match the primary glazing. These less intrusive methods are advisable within the Conservation Area; however, it is recommended that advice is sought from the Council before any changes to windows or doors are made to ensure the optimum solution.



Colour Palette

The Conservation Area is currently characterised by light painted render. Future alterations should respond to the existing and historic palette to preserve the local distinctiveness; however, it should also reflect the age, status and architectural style of its host building. The introduction of an inappropriate modern colour palette into the street scene is considered to be a concern within the Conservation Area and has the potential to have a cumulative and significant impact upon the character and appearance of the Conservation Area. It is also imperative that appropriate paints are used to ensure that the passage of moisture through historic properties' fabric is not inhibited which can cause decay.

4.3 Maintenance

Many of the buildings and spaces across the Conservation Area have been impacted by a gradual decline in their condition due to lack of ongoing maintenance. The importance of preventative maintenance cannot be over-emphasised, as ongoing maintenance can not only limit, or even prevent, the need for repairs later, it will avoid the loss of original fabric and is cost-effective.⁷

There are examples of maintenance issues across the area, which are common to historic buildings and Conservation Areas, such as the deterioration of paintwork, timber rot, and loss of historic features. Throughout the Conservation Area a large proportion of buildings have had original features and fittings removed, particularly windows and doors. This impacts the historic significance of the buildings and detracts from the aesthetic and character of the Conservation Area and, therefore, its special interest. There are very few buildings which have retained their historic windows.

The introduction of uPVC windows is a particular concern within the Conservation Area. To preserve the special interest of the Conservation Area, historic windows should be retained. Any proposals for the replacement of windows should avoid the loss of any historic fabric and should be appropriate to the host building. The application of uPVC windows will not be supported.

There is an opportunity to monitor ongoing condition and maintenance issues across the Conservation Area by means of a regular baseline photographic survey. Going forward, this could be an opportunity for local groups and individuals to lead in, and there is scope for the Council to work in partnership with the community to undertake ongoing assessments such as this.

⁷ [Preventative Maintenance \(spab.org.uk\)](https://www.spab.org.uk)



4.4 Inappropriate Modern Development

There are instances in the Conservation Area where residential development has been permitted behind the existing development. This undermines a defining feature of Kirby-le-Soken as a linear development. Future development that has a poor relationship with the street and does not preserve the historic development pattern should be avoided.

The subdivision of plots to allow for development behind the existing grain of development would also be inappropriate. Land plots and curtilages are a key indication of an area's development; by dividing historic plots it would dilute the special interest and have a detrimental impact on the context of the Conservation Area's development. Not only does the division of historic plots diminish the historical integrity of the property, it can also have an adverse effect on the setting of the individual heritage asset.

4.5 Public Realm

Street Furniture (Lampposts, benches, signage, bins, bike stands, bollards etc.)

Generally, the street furniture within the Conservation Area is of a good quality and a traditional appearance, responding positively to the significance of Kirby-le-Soken.

Character Area One:

The street furniture in the Conservation Area is limited to the area surrounding the green which is indicative of the rural character of the Conservation Area. The street furniture is well maintained and works to maintain the village character of Kirby-le-Soken. General and regular maintenance would ensure the quality of the street furniture is preserved. There are limited streetlamps along The Street due to the rural context, whilst there are relatively unobtrusive, they are modern in design and appearance. It would be of an enhancement if they presented a more traditional design and colour.

Character Area Two:

The public realm within character area two is limited due to the limited public access to this space. The approach to the church is tarmacked which transitions into a gravelled footpath leading to the rear of the building. Mumford Lane is an informal, unsurfaced track. Surfaces in character area two are of a satisfactory condition.

Within the churchyard there are benches which are timber and sympathetic to their setting. Public footpaths are clearly marked by traditional timber signs although would benefit from general maintenance. At the time of this assessment the red brick wall to the front of the church hall was in a deteriorated condition and would benefit from general repairs and maintenance. This would greatly enhance the streetscene.



Hard Landscaping

There is generally a consistent approach to hardstanding of road surfaces and pavements within the Conservation Area which are all tarmacked. The principal thoroughfare of Kirby is of a satisfactory condition. There are areas where the road surface has deteriorated near the green and surrounding Numbers 28-16. The surface of the layby opposite Meadows Cottage has also deteriorated and would benefit from repair.

The Red Lion Public House has a large, tarmacked car park to the side stretching to Maltings Lane. The large expanse of hardstanding does have an urbanising effect, which detracts from the rural character and appearance of the Conservation Area. There is an opportunity to soften the appearance of the carpark through the addition of boxed planters or a gravel surface. Any changes to the carpark, however, should not undermine the openness of this section of the Conservation Area.

Open Spaces

The open space around the green is well maintained and provides an attractive focal point for the Conservation Area. Improvements could be made to the maintenance of the green with the stocks as this would better integrate this area, so it is read as part of the green.

4.6 Vacant Premises

At the time of this assessment, there were two vacant buildings within the Conservation Area.

Number 12 formerly Cygnet Yew Tree: this is a substantial double fronted property set back from the road. The property likely dated from the late nineteenth century. However, modern alterations have resulted in the loss of characterful architectural features of the property. There is an opportunity to greatly enhance the appearance of this property, so it positively responds to its architectural context.

Garage site located on Maltings Lane, formerly Oxborrow engineering: At the time of this assessment no major alterations had been made to the site or structure, and it still presents a characterful appearance. Any future development of this site should make use of the existing building and positively respond to the more industrial 'service' character of the site.



5. Management Proposals

There are a wide range of opportunities for the Kirby-le-Soken Conservation Area, many of which share common themes. This section builds on the opportunities identified in Section 4 and seeks to recommend management proposals which address these in both the short and long term.

5.1 Positive Management: Short term

The first set of proposals relate to positive management and focus on good practice and improved ways of working with the local planning authority. These are generally low cost and can be implemented within a short timeframe, typically within one or two years.

Enforcement

Where the necessary permission has not been sought for alterations, such as advertising signage and building alterations which are not contained within the General Permitted Development Order, the Local Planning Authority's powers of enforcement should be considered. This could assist in reinstating any lost character or architectural features whose loss may have a negative cumulative effect on the Conservation Area, as well as avoiding a precedence being set for similar, uncharacteristic works. The loss of original windows is a particular concern within the Kirby-le-Soken, as well as unsympathetic alterations such as unsympathetic render and render colours as well as and inappropriate materials.

General Maintenance: Public Realm and Highways

Through the agreement of a standard good practice within the Conservation Area between relevant Local Authority teams and other landowners, long term goals can be set to promote good design within the public realm, such as avoiding excessive road markings or signage and agreeing a standard street furniture within Character Areas to ensure consistency over time as elements are introduced or replaced.

This will have a long-term positive impact on the Kirby-le-Soken Conservation Area and ensure the preservation of characteristic features of the Area. The footpaths from the wider landscape into the Conservation Area are well sign posted and marked but could benefit from some general maintenance.

Heritage Statements, Heritage Impact Assessments and Archaeological Assessments

In accordance with Paragraph 194 of the NPPF, applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

All applications and development proposals within the Conservation Area and its setting require an appropriately detailed Heritage Statement. Any application without a Heritage Statement should not be validated.

The key views analysed within this document are in no way exhaustive. The impact of any addition, alteration or removal of buildings, structures or trees on key views should be considered to aid decision making. This includes development outside the Conservation Area. Where appropriate, views must be considered within Design and Access or Heritage Statements. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: *The Setting of Heritage Assets* (2019). Applications which fail to have assessed any impact upon views and setting should not be validated.



Local Heritage List

A Local List identifies buildings and structures of local architectural and/or historic interest, and these are considered to be 'non-designated heritage assets' under the provisions of the NPPF. Local Lists can be beneficial in ensuring the upkeep and maintenance of historic buildings that contribute to the character of the settlements. The exercise of creating a Local List would also facilitate a greater understanding of the area and could be utilised as a public engagement strategy to improve awareness and understanding.

Kirby-le-Soken would benefit from adopting and maintaining a comprehensive Local List in order to preserve its historic environment. There are a number of buildings and features within Kirby-le-Soken which make a positive contribution to the special interest of the area, which indicates that a Local List may be beneficial to ensure the upkeep of buildings which are significant to Kirby-le-Soken's history and character. They are of sufficient quality to be considered for local list status, as highlighted in section 3 of this document.

The Council is currently working towards creating a Local List.

Neutral and Negative Elements

The dilution of positive buildings amongst those which are neutral leads to an underwhelming and indistinctive overall character.

Tendring Council must not allow for the quality of design to be impacted by the neutral and negative elements of the built environment. Officers must, where possible, seek schemes which enhance the built environment and look to conserve and reinstate historic features. It is also considered that poor quality or unsympathetic schemes do not preserve the special interest of the Conservation Area and therefore are discouraged, both within the Conservation Area and its setting; this is due to the potential impact to the character and appearance of the area.



New Development

There are opportunities within Kirby-le-Soken and its setting for development which makes a positive contribution to the conservation area. To be successful, any future development needs to be mindful of the local character of the Conservation Area, while at the same time addressing contemporary issues such as sustainability.

Successful new development will:

- Relate to the geography and history of the place and the lie of the land;
- Sit happily in the pattern of existing development and routes through and around it (including public footpaths);
- Respect important views;
- Respect the scale of neighbouring buildings; and
- Use materials and building methods which as high in quality of those used in existing buildings.

Tall Buildings

The typical scale of the properties within the Kirby-le-Soken Conservation Area is one and a half to two storeys. The small scale and cottage character of the dwellings in the Conservation Area is indicative of its historic and rural character. Any development that does not positively respond to the existing scale of historic development would likely detract from a key feature of the Conservation Area's significance.

There are some residential dwellings of a larger massing and scale. However, these are typically high-status buildings such as the church, Kirby Hall and The Old Vicarage. The scale of such buildings defines their pre-eminence in Kirby-le-Soken's development. It is considered that that the introduction of taller developments within the Conservation Area and it's setting would be harmful, and that development should remain at two storeys to be appropriate.

Tendring District Council should guide development in a positive manner by:

- Engaging with developers at an early stage through the Pre-Application Process to ensure modern development is high quality in design, detail and materials.
- Ensuring large scale development schemes are referred to a Design Review Panel (or similar) to ensure that new buildings, additions and alterations are designed to be in sympathy with the established character of the area. The choice of materials and the detailed design of building features are important in making sure it is appropriate to a conservation area.
- Seeking opportunities for developers to make a positive contribution to the wider historic environment through Section 106 Agreements.



Public resources

The preservation and enhancement of private properties can be improved through the publishing of resources aimed to inform property owners and members of the public. An introductory summary of the Conservation Area Appraisal in the form of a leaflet or factsheet(s) is a simple way to communicate the significance of the area and ensure members of the public are aware of the implications of owning a property within a conservation area. In addition, a maintenance guide would assist property owners in caring for their property in an appropriate manner. A single Good Practice Design Guide on standard alterations such as signage, shopfronts, windows, doors, rainwater goods, boundaries and roof extensions will ensure inappropriate development does not continue to be the accepted norm.

- Provide guidance on appropriate design and materials for windows and doors and encouraging the retention or reinstatement of historic glazing patterns and door designs and the use of appropriate materials.
- Provide guidance on the traditional form of boundary treatments and encourage their reinstatement where they have been removed or compromised.
- Provide guidance on traditional roofing materials and encouraging the reinstatement of good quality slate and the removal of unsympathetic modern materials such as interlocking concrete tiles.
- Provide and update guidance relating to signage. This should address appropriate size and design, the extent and amount and associated lighting. All further planning applications and advert consent applications should be required to comply, where possible, with this standard, designed to help to restore the character and appearance of the Conservation Area.

- Poor maintenance leads to the deterioration of the fabric of the built environment and results in a loss of architectural details. Improved awareness of simple maintenance and repair would be conducive with the preservation of Kirby-le-Soken's built heritage.

Tree Management and Planting

There are many trees within the Conservation Area particularly in character area two. The trees within character area one that line the street are attractive. Efforts should be made to maintain the existing planting and trees. Where appropriate opportunities for enhancement sought.

In line with the Town and Country Planning Act, all trees in Conservation Areas are afforded the same protection as a Tree Preservation Order. Trees which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, may not be felled or lopped unless six weeks written notice has been given to the Council. Six weeks' notice has to be given to the council under S211 of the Act.

It is also considered that any prominent trees, and trees with amenity value on private land throughout the Conservation Area should be monitored and maintained appropriately. This will maintain the green character of the area. Any tree that makes a positive contribution to the area should be retained, maintained and, if felled (only if dead, dying or dangerous) replaced with an appropriate new tree.

Twentieth Century Premises

There are some twentieth century developments which make a neutral or negative impact on the character of the Conservation Area. There is scope to enhance these sites and buildings through a considered design approach which can guide future improvements. Should opportunities for redevelopment arise in the future, high quality design should be pursued and encouraged through design guidance.



5.2 Positive Management: Longer Term

The second set of proposals are also focussed on positive management but either take longer to implement or are better suited to a longer time frame.

Character Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan should be reviewed every five years to monitor change and inform management proposals.

Conservation Area Boundary

The Conservation Area boundary has been revised within this appraisal in accordance with the NPPF (2021) and *Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management* (2018).

The boundary now excludes modern development north of the Conservation Area. The boundary now includes the domestic curtilages of all properties that are located in the Conservation Area and the garage and service yard on Maltings Lane. The boundary should continue to be assessed as part of future reviews of the Management Plan to ensure it is robust and adequately protects the significance of the area.

Interpretation: Improved Understanding and Awareness

At present there is no interpretation (information boards, signage, interactive QR Codes) within the Conservation Area aimed at improving understanding and awareness. This would be an effective way to improve the awareness and re-establish the identity of Kirby-le-Soken as a historic settlement. St Michael's Church would benefit from an interpretation. This is a highly significant heritage asset, located at the heart of community interaction.

Public Realm

The first opportunity to enhance the character and appearance of the Conservation Area is through investment to improve the wider public realm. This can be achieved through continued maintenance of the green and street furniture. General maintenance of footpaths and improvements to road surfacing and the appearance of the Red Lion Car Park would greatly contribute to an enhanced public realm.



5.3 Funding Opportunities

There are three main funding opportunities which would assist in the execution of these plans:

National Heritage Lottery Fund

The National Heritage Lottery Fund is the single largest dedicated funder of heritage in the UK and therefore is the most obvious potential source of funding. Funding is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding. Grant opportunities and requirements change overtime, for up-to-date information on NHLF schemes Tendring Council should consult their appointed Heritage Specialist.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon Kirby-le-Soken. These agreements could be used to fund public realm or site-specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Partnership Schemes in Conservation Areas is a programme run by Historic England to target funding for the preservation and enhancement of conservation areas. As the name suggests, the scheme forms partnerships with local authorities (along with any additional funding partners) to facilitate the regeneration of an area through the conservation of its built heritage. The scheme makes funds available to individuals to enable them to carry out repairs or improvement works to their property to enhance the area. This would be suitable to preserve and enhance either the shop frontages or the architectural detailing.



6. Appendices

6.1 Designated Heritage Assets

Grade II*

Church of St Michael - (list entry: 11115000)

Parish church of fourteenth or fifteenth century origin, restored c.1833 and mainly rebuilt c.1870 by Henry Stone. The church is constructed from stone, flint and septaria, stone dressings under plain red tiled roofs with pierced and scalloped ridge tiles, cross finials.

Grade II

Barn approximately 80 metres southwest of Kirby Hall (list entry: 1337139)

Barn approximately 80 metres southwest of Kirby Hall. Constructed in the eighteenth century. Timber framed and weatherboarded. Brick plinth. Corrugated asbestos roof. Gabled midstrey outshot to right to include granary. Five bays. Side purlin roof, pegged at ridge. Through bracing to walls. Hanging knees to tie beams.

Kirby Hall (list entry: 1111502)

Constructed around 1700 with features of possibly earlier origin. Red brick. Red plain tiled roof. Right and left chimney stacks. Rear wing. Two storeys and attics. Three flat headed dormers with two light casements. Moulded brick eaves cornice, central band. Three window range of small paned vertically sliding sashes, gauged brick arches. Central two panelled four light door with traceried round headed light over. Fluted pilasters, frieze, moulded open pediment.

Meadow View Cottage (list entry: 1111499)

Early seventeenth century in origin. Timber framed and plastered. Grey slate gambrelled roof. Right and left red brick chimney stacks. One storey and attics. Two flat headed dormers. Two small paned casements to ground floor. Central gabled porch with a twentieth century door. Internally the frame is virtually complete with inserted floor, chamfered bridging joists, winding staircase, side girts, top plates and wall studs.



Memorial Plaque and Enclosing Railings, attached to external east wall of Chancel below east window Church of St Michael (list entry: 1111501)

Memorial plaque and enclosing cast iron railings, attached to external east wall of Chancel below east window Church of St. Michael dating from the mid nineteenth century. Cast by Coleman and Wallis. Short cast iron railings are attached to the southeast and southwest corners of the Chancel and enclose a small memorial garden. The twisted posts have octagonal bases and arched braces forming 2 centred arches below the top rails. Ornate finials to rails.

Norton's Barn Opposite and Approximately 40 Metres northwest Of Patches – (list entry: 1337137)

Barn dates from the eighteenth century and is timber framed and weatherboarded with a brick plinth. Red pantiled roof. Gabled midstrey. Loft door to right return. Two bay cartlodge to left with corrugated iron clad roof. 5 bays. Through bracing to walls. Hanging knees to tie beams. Side purlin, ridge board roof.

Post Office House (list entry: 1165726)

House of sixteenth/seventeenth century origin, possibly earlier with later alterations and additions. Timber framed and rough rendered. Red plain tiled roof. Right and left red brick chimney stacks. Two storeys and attics. Flat headed dormer with small paned casement. Two window range. Two light small paned casements to first floor, vertically sliding sashes with glazing bars to ground floor, segmental heads over. Central twentieth century enclosed gabled porch with sidelights, twentieth century plank and muntin door.

Red House White House (list entry: 1111498)

Red House and White House, two dwellings. Central range of sixteenth century origin with seventeenth extension and alterations, nineteenth century brick facing and forward right range. Mainly timber framed, brick facing to Red House (right) plaster to White House (left). The two left ranges with red plain tiled roofs hipped to right, red pantiled right range. A red brick chimney stack to each range, central stack with square attached shaft. Dentilled eaves cornices. Interiors with inglenook fireplaces, stop chamfered bridging joists, side girts, top plates and wall studs. Vertically boarded doors with ironmongery.



The Old Vicarage (list entry: 1337138)

Constructed around 1830. Gault brick. Hipped grey slate roof, projecting eaves. Right and left chimney stacks. Two storeys. Three window range of small paned vertically sliding sashes, gauged brick arches. Three steps approach the square central porch supported by two pilasters and two fluted columns with moulded capitals, frieze, moulded cornice, two panelled two light door, moulded surround.

The Red Lion Public House list entry: 1111497)

A Public House formerly listed as Red Lion Inn. Sixteenth century derivation or earlier with later alterations and additions. Timber framed and plastered brick facade. Red plain tiled roof with gabled crosswing to left. External left and off centre right red brick chimney stacks. Two storeys. Three small paned vertically sliding sash windows, segmental heads over to first floor. Left and right small paned casements to ground floor, central hipped red tiled porch with left and right double doors and three small paned casements. Internally some frame exposed with heavy bridging joists and wall studs. Eighteenth century corner cupboard.



6.2 Bibliography

Publications

Kirby-le-Soken Conservation Area Appraisal, Tendring District Council (2006)

Websites

Kirby-le-Soken History Pages [<http://www.kirby-le-soken.co.uk/>]

Archives

Essex Record Office (ERO)

Historic Environment Record (Essex County Council)

6.3 Legislation, Policy and Guidance

LEGISLATION/POLICY/ GUIDANCE	DOCUMENT	SECTION/POLICY
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	66: General duty as respects listed buildings in exercise of planning functions. 72: General duty as respects conservation areas in exercise of planning functions.
National Planning Policy	National Planning Policy Framework (2019) DCLG	Section 16; Annex 2
National Guidance	National Planning Practice Guidance (2014) DCLG	ID: 18a
National Guidance	Historic England Good Practice Advice in Planning Note 1 (2015) The Historic Environment in Local Plans	
National Guidance	Historic England Good Practice Advice in Planning Note 2 (2015) Managing Significance in Decision-Taking in the Historic Environment	
National Guidance	Historic England (2017) Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets	
National Guidance	Historic England Advice Note 1 (2019) Conservation Area Appraisal, Designation and Management	
National Guidance	Historic England (2017) Traditional Windows	
National Guidance	Historic England, High Streets for All (2018) Advice for Highway and Public Realm Works in Historic Places	
National Guidance	Historic England (2017) Repointing Brick and Stone Walls Guide for Best Practice	

6.4 Glossary

Term	Description
Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic Environment Record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Local List	Local listing is a concept that is designed to ensure that the historic and architectural interest of buildings that are of local importance but do not meet the criteria for being nationally listed is taken account of during the planning process. Local lists can be used to identify significant local heritage assets to support the development of Local Plans.
Non-Designated heritage asset	Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Only a minority of buildings have enough heritage significance to merit identification as non-designated heritage assets.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
Significance (for heritage policy)	The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Place Services
County Hall, Essex CM1 1QH

T: +44 (0)3330 136 844
E: enquiries@placeservices.co.uk

www.placeservices.co.uk

 @PlaceServices



CABINET

4 NOVEMBER 2022

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.2 SCRUTINY OF THE DECISION TO GIVE CONSENT FOR AN EVENT BY FRINTON SUMMER THEATRE

(Report prepared by Keith Durran and Keith Simmons)

BACKGROUND

It accordance with the decision of Council on 12 July 2022 (Minute 29 refers) the Resources and Services Overview & Scrutiny Committee ('the Committee') undertook an enquiry at its meeting on 17 October 2022 of the following decision by the Portfolio Holder for Environment and Public Space of 1 April 2022:

- "a) To give consent for the use of the section of Frinton Greensward identified between 14 August 2022 and 5 September 2022 by the Frinton Summer Theatre subject to any necessary licences being obtained and conditions being adhered to; and*
- b) That the details of any consents given make it clear that consent is given for this event only and that future events will be evaluated on their merits at the time."*

The Assistant Director of Building and Public Realm submitted a report to support the enquiry. It attached the full decision, the supporting report prepared by Officers for the Portfolio Holder, the revised application for the use of the Greensward submitted by Frinton Summer Theatre and representations received and considered by the Portfolio Holder on the proposed use.

The Members of the Committee were advised that:

The Council was the freehold owner of The Greensward at Frinton. That Frinton Summer Theatre, Registered Charity No: 1170429, applied to erect a temporary tent on the Greensward in order to put on a main summer production, a secondary production and community outreach activities. An initial application from the Theatre had been refused by Officers and the detail provided by the Theatre was limited at that stage. Ward Councillors had been consulted on the proposal. The applicant then submitted a revised application with greater detail. Officers had the delegation to make a decision on the revised application. However, in consultation with the Portfolio Holder, he agreed to make the decision.

Consultation with the Ward Councillors indicated that they remained opposed to the revised application. The evidence in the report to the Committee, and as outlined orally by the Portfolio Holder during the meeting, indicated that there were a number of Town Councillors and businesses in Frinton who were in support of the revised application. So were relevant Portfolio Holders at Essex County Council and the Leisure & Tourism Portfolio Holder at the District Council.

The Portfolio Holder outlined the extent to which he considered matters around the revised application and determined that the use of the Greensward was appropriate in this case. The decision is set out above.

Upon payment of all charges by the Theatre Company, there would be no residual cost to this Council arising from the authorised use of the Greensward by the Theatre Company as a consequence of the decision by the Portfolio Holder.

The Committee was also made aware that there was no policy in place that managed the authorisation of usage of the District Council's public spaces for events.

The Portfolio Holder assisted the Committee with its enquiry and answered an extensive range of questions from the Committee's Members. During the discussion, the Committee's Chairman, and a number of other Councillors indicated that the evidence presented identified to them that the Portfolio Holder had considered the relevant facts and the decision reached appeared to be appropriate.

RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET

That Cabinet -

- (a) notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and**
- (b) gives serious consideration to any future requests of proposed events, which are to be held on the Frinton Greensward, as this event has had a serious and detrimental effect to Frinton's residents, its infrastructure, and its businesses.**

[Note: (a) above was approved unanimously and (b) above was approved by 2 votes for, 0 votes against and with 6 abstentions]

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

Environment and Public Space Portfolio Holder's Comments

That the enquiry by the Resources and Services Overview and Scrutiny Committee into my decision be welcomed. Having considered the outcome of that enquiry by the Committee, I ask Cabinet to:

- (a) note that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and
- (b) record that consideration to any future requests for proposed events which are to be held on the Frinton Greensward will be given."

RECOMMENDATIONS TO CABINET:

That the recommendations made by the Resources and Services Overview & Scrutiny Committee be considered and that the response of the Environment and Public Space Portfolio Holder thereto be endorsed.

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CABINET

4 NOVEMBER 2022

FOLLOW UP REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENT & PUBLIC SPACE ON RECOMMENDATIONS FROM THE RESOURCES & SERVICES OVERVIEW AND SCRUTINY COMMITTEE ON ELEMENTS OF WASTE, RECYCLING AND LITTER

A.3 DETAILED REPLY TO THE RECOMMENDATIONS IN RESPECT OF THE WASTE, RECYCLING AND LITTERING ENQUIRY

(Report prepared by Jon Hamlet)

BACKGROUND

At its meeting on 30 June 2022 (Minute 14 refers), the Resources and Services Overview and Scrutiny Committee concluded its enquiry into elements of the waste, recycling and litter service and submitted a series of recommendations to Cabinet. These recommendations (repeated at Appendix A to this report) were initially submitted to Cabinet's meeting on 15 July 2022 (Minute 37 refers). At that meeting of Cabinet, the following response from the Portfolio Holder for Environment and Open Space was submitted and approved:

“Colleagues, this report from the Resources and Services Overview & Scrutiny Committee is far too good to just note as it is bursting with intelligent ideas. I want the chance for each to be examined in detail and properly costed, with a view to trying to encompass the report's ideas. Damian Williams organised a meeting for me yesterday with Andy White and Jonathan Hamlet present. I said that only having received the report a week ago, this was not enough time to present a considered answer at this Cabinet meeting, but that I wanted a detailed answer to be prepared with costs included for the next Cabinet meeting.”

This follow up report provides the mechanism by which that detailed answer can be provided to Cabinet and considered by it. The answers are set out in Appendix A.

PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET

Portfolio Holder for Environment and Public Space's Comments

The Portfolio Holder restates his thanks to the Resources and Services Overview and Scrutiny Committee for their enquiry and the recommendations arising from it. His promised detailed reply is set out at Appendix A to this report.

Recommendation to Cabinet

That the detailed response of the Portfolio Holder for Environment and Public Space to the recommendations made by the Resources and Services Overview and Scrutiny Committee be noted, both being set out in Appendix A to this report, and that they thereto be approved.

**DETAILED REPLY FROM THE PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACE TO THE
RECOMMENDATIONS FROM THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE ON
ELEMENTS OF WASTE, RECYCLING AND LITTER**

Recommendations from Resources and Services Overview and Scrutiny Committee	Response of Portfolio Holder
<p><i>In respect of the recycling elements of the enquiry:</i></p> <p>(1) That the capacity of the Street Scene Team to undertake a range of engagement and recycling promotion work with school age children, members of community organisations and the public through roadshows, Council Tax Bills etc. be assessed and plans brought forward to support this capacity. The Committee believes that this work is vital to ensure we have a well-informed local population about recycling and the benefits of it and that the capacity of the team should provide for this work to be undertaken systematically and consistently;</p>	<p>(i) The authority is appreciative for the requirement of additional capacity within the street scene team and as part of the overarching restructure currently being undertaken additional resource will hopefully be provided. This additional resource combined with the ability to fill vacant posts within the team will then allow Officers to dedicate and direct their resources to key tasks, such as those highlighted by the committee.</p>
<p>(2) That, in addition to the steps in (1) above, available data, or proxies for it, about recycling rates within the District be examined to identify those areas where recycling rates are lowest and that the available resources for promotional activity be targeted to those areas to increase recycling rates there. The Committee is conscious of the need to use data to guide action and that this is an area where finite resources can be directed where the need for action is most required.</p>	<p>(i) Veolia have the capability to provide the team with recycling tonnage collected per collection round/per day/per vehicle. With a total of 8 core recycling vehicles collecting every day the quantity of data will require resource to manipulate the data and link to corresponding precise areas of collection and total number of properties linked to the area so that an theoretical kg/property can be calculated.</p> <p>(ii) Whilst this work stream would not necessarily be an ongoing requirement the resource required to set up and deliver this information is currently outside of the teams</p>

	<p>current resource and would estimate the requirement to be equivalent to 0.5 FTE (full time equivalent) Officer for an initial 6 month period.</p> <p>(iii) From experience areas of low/lower deprivation indices tend to mirror in lower participation rates in recycling and as such areas including Jaywick Sands, Pier Ward and pockets of Harwich would fall within this remit.</p> <p>(iv) Resources required for this work stream apart from promotion would also include the requirement for additional stock of recycling containers for households wishing to participate in the kerbside recycling. Estimated costs for the supply and delivery of containers to households would be an estimated £50,000 for the areas highlighted above.</p>
<p>(3) That proposals for new style three chamber litter bins to separate out general waste from plastic/can recyclables and card recyclables be examined with a view to these being installed in the centres of towns in the District. The Committee considers that these new style bins would help reinforce the message around recycling and further the Council's commitment to it (and positively reinforce the Council's Community Leadership role);</p>	<p>(i) A number of multi aperture waste receptacles are currently on the market with three chamber models costs in the region of £1200 each and dual chamber costing £700+ each. With a large number of general waste bins already in situ in high footfall areas the progression step would be to introduce dual recycling receptacles alongside existing litter bins. This would provide the same effect of three chamber bins, whilst providing a high level of capacity.</p> <p>(ii) Operationally the contract has no provision in place for the processing of these recyclable materials, which in essence would reflect the materials collected at the bring site, but would be prone to heavy contamination.</p> <p>(iii) Additional bins would require to be added to the contract. The contract has a 10% +/- capacity on bin installations</p>

	<p>and subsequent overall numbers of bins serviced as part of the contract and each dual chamber would constitute 2 bins, especially at the back end of the process as bags back at the depot would then need to be separated into the two different recycling streams. The current contract has limited scope to install additional bins at a level required for on street recycling to be of impact.</p> <p>(iv) Any purchase of additional litter bins for recycling could not be supported by the current budgets and as such would require additional funding.</p>
<p>(4) That the expected standards for cleanliness/removal of broken glass at the recycling bring sites in the District be developed and publicised and, alongside these, deployment response times for the cleaning/clearing of those sites be established for reports of issues at those sites when the standards are not being met. This recording will include each incident of 'fly tipping' at the sites. The Committee believes the recycling bring sites provide a valuable addition to the kerbside recycling collection service and believes that working with the public we can look to keep the sites in the best possible condition by sharing with them the standards they should expect, the means of reporting when those standards are not met and a response regime to those reports that can manage expectations while returning the site to the expected standards as soon as possible; and</p>	<p>(i) As part of the 2019 contract extension, aspects of the street sweeping contract were re-organised to ensure that both contracts could be deployed within the cost budgets. Part of this achievement was the removal of scheduled cleaning of bring sites and replaced with reactive cleaning. Consequently there are no contracted scheduled cleaning of all the 80+ bring sites in the district.</p> <p>(ii) As with all reports of fly tipping, the ambition of the authority remains to clear items of fly tipping within a 72 hour working day period once the report is sent over to our contractors.</p> <p>(iii) There is just the one, 2 operative team which is responsible for the removal of fly tipping and clearing of waste from public land and land which the authority has shared responsibly for under the street sweeping contract and consequently their workload remains of high demand with priority given to incidents of fly tipping containing</p>

	hazardous materials or in locations likely to pose a risk to the public.
<p>(5) That the introduction of an online (MyTendring) form to report a missed bin collection for garden waste collections (Brown bin) be pursued. The Committee regards the availability of a missed bin collection online form for the general waste (Black bin) and recycling boxes (red and green boxes) as positive and that the same 24/7 reporting route should be provided for garden waste where there is a missed collection.</p>	<p>(i) The team continues to work with both the authorities I.T team and Veolia to develop a system that is robust to allow residents the opportunity to report missed garden waste collections via the on line portal.</p> <p>Veolia are currently employing additional staff and consultants to deliver an effective in cab technology system across all the collection service, which part of this development requires up to date collection round data linked to GIS mapping and Gazetteer along with UPRN (unique property reference number) for each and every property. This data which is planned to be completed by the end of the year can then be shared with the authorities I.T to begin works to link with My tendring portal and Firmsteps which is the reporting software which sits behind the on line portal.</p>
<p><i>In respect of the public space litter elements of the enquiry:</i></p> <p>(6) That the proposals for uniquely coloured (purple) bags for those undertaking Community Litter picks (to distinguish these bags from other forms of waste/recycling) be warmly supported;</p>	<p>Concurrence letter has been published and a current up to date quotation is currently being sought from potential suppliers along with production of artwork with the expectation of the community litter bags in stock by November 2022 with costs met by current budgets.</p>
<p>(7) That the large blue litterbins used as part of the Summer Plan along the seafront should be retained throughout the low season to create a year round approach to litter collection in those spaces. The removal of the litterbins means that out of season there is a reduced litterbin</p>	<p>The larger 340L blue litter bins and the quantity of these bins located along the seafronts requires Veolia to hire a specialist collection vehicles (2) at £850 per vehicle per week.</p>

<p>service along the seafront. For residents in those areas and local individuals who use the seafront this reduced service is perceived as a lower standard for them than is provided for tourists. Retaining the bins, even with a reduced emptying regime would demonstrate the obvious commitment of the Council to its residents;</p>	<p>For all these bins to remain out on site during the winter at the reduced winter schedule of twice weekly emptying would attract the following costs:</p> <ul style="list-style-type: none"> (i) The weekly hire cost for one vehicle at £850 per week, with the vehicle operating 4 days per week (2 days Clacton area and 2 days Frinton area), equating to £22,100 approx. (ii) Requirement for additional driver during winter period 0.5 FTE approx. £13,000 (iii) Additional diesel costs estimated at £200/week, equating to £5,200 <p>Total estimated cost in the region of £40,000 per annum.</p>
<p>(8) That consideration be given to a pilot scheme along the stretch of the A120 from Ardleigh Crown to Horsley Cross to install high visibility litter bins in the laybys and evaluate the extent of their use (and any potential consequential fly tipping from their introduction) for a 12 months period (and that the experience be used to inform the approach along this road and the A133 going forward). The Committee believes that the pilot approach will provide the Council with valuable information as to whether litter bins in the laybys of major roads in the District would be advantageous;</p>	<p>In total there are 13 lay bys along the A120 between Ardleigh Crown to Harwich.</p> <ul style="list-style-type: none"> (i) Estimated cost for one high visibility litter bin for each layby has an estimated purchase of cost of £550 per bin; equating to £7,150. (ii) Installation costs per litter bin by the authorities engineering team are in the region of £100-150 per litter bin; equating to £1300-1950. (iii) This quantity of litter bins could be absorbed into the current street sweeping contract with no additional on going service costs. (iv) Total estimated cost £10,000.

	<p>Potential operational pressure to the service is that the installation of litter bins will attract fly tipping and waste accumulations resulting in additional pressure placed on the service to maintain these laybys.</p>
<p>(9) That the verge litter-picking schedule for the A120 from the new roundabout to the Auction roundabout be increased to six times a year. The current frequency is, in the view of the Committee, demonstrably insufficient to keep the verges concerned clear of litter and this then could encourage further littering to take place by those who see the extent of litter that is not cleared sufficiently frequently to deter it taking place;</p>	<p>The A120 is currently litter picked four times per annum and to increase this schedule by two additional cleansing will attract the following costs.</p> <p>Firstly it must be noted that the verge litter picking is carried out by a specific crew who are trained in litter picking along high speed carriageways. This same crew are also responsible for the delivery of wheeled bins to residents and as such the additional costs reflects the need for an additional crew to cover their workload which this crew carry out additional litter picking of the A120.</p> <p>(i) In total the A120 takes 6 working days to litter pick on each of the four times per year and so two additional litter picks equates to twelve additional working days which attract a cost of £5,458.56 for 2 operatives and a vehicle.</p> <p>(ii) Traffic management is required for health and safety and this cost equates to £9,600 for the twelve days</p> <p>(iii) Total cost for two additional litter picking of the A120 of £15,058.56 per annum.</p>

<p><i>In respect of future service provision</i></p> <p>(10) The Committee welcomed the opportunity to input into the specification for the waste, recycling and street cleaning contract that will be the basis of service provision in those areas from 2026.</p> <p>[Note: Further to this recommendation, Council on 12 July 2022 approved a work programme for 2022/23 for the Resources and Services Overview and Scrutiny Committee that included an enquiry into the development of proposals for the waste, recycling and street cleaning contract specification from 2026.]</p>	<p>In terms of the new waste contract, we would value any help and ideas for any new areas of our business. I have no doubt that when there are items about which decisions need to be made, I will follow my previous practice and set up a portfolio holder working party, which encourages ideas outside the constraints of a formal committee, where members can think “outside the box”.</p>
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CABINET

4 NOVEMBER 2022

REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND TOURISM

A.4 TENDRING BEACH HUT STRATEGY REVISITED

(Report prepared by Mike Carran)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present a draft emerging Beach Hut Strategy Review for Cabinet approval for public consultation purposes and provide authority to invite stakeholder comment on the document.

EXECUTIVE SUMMARY

- The Council adopted its Beach Hut Strategy in 2013, to provide a consistent approach to the management of this service in subsequent years. This revision of the existing strategy (Appendix A) is to update a number of issues relating to beach huts, to ensure beach hut conditions are adhered to and appropriate resources are considered to monitor the service.
- Along the Tendring coast there are currently 3,057 beach huts directly under the operation and management of Tendring District Council. The objectives for the Beach Huts Service at Tendring District Council, as set out in the strategy, are to provide a customer focused, efficient, quality service, seeking income opportunities, which has potential, subject to further business case and decisions, to facilitate:
 - *Improved seafront assets and infrastructure*
 - *Increased awareness of local seafront issues*
 - *Support for tourism and inward investment strategies of the Council*
- Beach huts are a key part of the Tendring seafront landscape and are regularly captured in tourism images, as features of the District in Brightlingsea, Clacton-on-Sea and Holland on Sea, Frinton on Sea and Walton on the Naze and Harwich and Dovercourt.
- The Council contacted all beach hut licence holders in April 2022, to inform them of an intention to review the existing Beach Hut Strategy which was first adopted in 2013. In the summer of 2022, the Council consulted on 7 key issues, which would form the basis of a review of the existing Beach Hut Strategy, which was adopted by Cabinet in 2013. Those issues were as follows:
 - *Limiting the onward renting of beach huts by issuing a number of new commercial agreements through a transparent tender process;*
 - *Limiting the issue of future beach hut agreements to one per household;*
 - *Revising/updating the existing Beach Hut Specification;*

- *Where licence holders have adapted their huts to include extensions, such as patios and verandas which are not covered by the specification, look to work with those parties to ensure their removal;*
 - *Developing a future funded business plan to consider additional staffing resources to ensure beach hut conditions are adhered to and to take appropriate enforcement action where necessary;*
 - *Improving customer service through exploring the feasibility of an improved digital platform for those with beach huts;*
 - *Developing a business plan for developing new beach huts and utilising the additional income for increased resources and seafront investment.*
- A pre consultation questionnaire exercise was developed on these 7 points and 2,673 people completed it. A breakdown of the responses is summarised in part 2 of this report and the full consultation response is attached as Appendix B. Following the consultation, a number of proposals on how to address each of the points above were drafted. They are set out in the draft strategy (Appendix A).
 - Following the consultation, each of the points have been reviewed and amendments have been made where it is deemed appropriate to form the emerging document attached. This has included changes to how Commercial Agreements are proposed to be issued following final adoption and the types of agreements which are suggested to be issued in future for beach huts.
 - Once this draft strategy has been considered by Cabinet, the views of current licence holders, Beach Hut Associations and other stakeholders will be requested through a consultation process, which will last a minimum of six-weeks. The strategy will then return to Cabinet in February 2023 for consideration of any comments and final adoption. Some points covered in the strategy can be delivered on adoption by Cabinet and other points will be longer term, following a detailed business plan.
 - Short term changes to the beach hut agreements resulting from the adopted strategy will be implemented by April 2023 and licence holders will be informed directly, providing a minimum of 28 days' notice. Following consultation, it is also proposed to move from licences to leases, with an implementation date of 1 April 2024. The greater security afforded to those with huts, would result in an increase in annual charges. Any Commercial Agreements issued however, would be implemented in advance of the wider roll out, following Cabinet adoption of the strategy.

RECOMMENDATION(S)

That Cabinet approves the content of the revised draft Beach Hut Strategy for consultation purposes and authorises Officers to seek stakeholder comment on the document for a minimum six-week period.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendation is made so that Cabinet approves the draft strategy in principle and authorises the consultation in order to ensure that the views of local people on the content of

the strategy are considered prior to adoption and implementation. The proposals set out in the draft strategy are aimed at an improved beach hut service going forward, in terms of governance, improvements to seafront aesthetics and ensuring a regulated service for rentals.

ALTERNATIVE OPTIONS CONSIDERED

The option to not review the existing strategy was considered, but this was not considered viable as it is good practice to review strategic documents with wide ranging impact.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This Beach Hut Strategy review contributes to the following priorities set out in the Council's Corporate Plan:

This review would support the Council's commitment to a 'growing and inclusive economy' and in particular to:

- Promote Tendring's tourism, cultural and heritage offers
- Maximise our coastal and seafront opportunities
- Support the Corporate Plan Theme of Strong Finances and Governance priority to Use assets to support priorities

The strategy would also contribute towards:

- '24 hour a day digital services', through the potential to add a new digital platform for Beach Hut customers
- 'Public spaces to be proud of' seeking to improve the aesthetics of Beach Huts and their contribution to the District's seafront offer
- Becoming 'Carbon neutral by 2030', through considering new sustainable products through a review of the Beach Hut Specification;

OUTCOME OF CONSULTATION AND ENGAGEMENT

A consultation exercise was carried out in summer 2022 for a period of six weeks. This pre consultation questionnaire exercise was developed based on the key points likely to be addressed in the Strategy. 2,673 people completed it. A breakdown of the responses is summarised in the Draft Strategy and a full breakdown is attached as Appendix B. It would be fair to say that there were strong views on both sides in relation to renting beach huts and adaptations. Further consultation with the various Beach Hut Associations has also been carried out and an additional meeting will be scheduled following the November Cabinet Meeting. All the points raised have been considered in the completion of this review and has informed the decision making in the Strategy.

Overview of Consultees

- *A total of 2673 people completed the questionnaire;*
- *1551 of the consultees (58%) live outside of the District and 67% of those non Tendring residents do not hold a Beach Hut licence;*
- *The remaining 42% are Tendring residents and local businesses;*
- *Around 34% of consultees hold Beach Hut licences. That is just under a third of the total Beach Hut licence holders in the District;*

- *Around 66% of consultees do not hold Beach Hut licences.*

On each of the points consulted on, the majority of consultees agreed with the Council's position, with the exception of three questions, which are addressed below.

On the question of rentals, 64% (1737) of consultees either strongly disagreed or disagreed with the Council's position and 28% either strongly agreed or agreed. Of the 1737 above who strongly disagreed or disagreed however, 68% did not live in the Tendring District. Of the Tendring residents who completed the questionnaire, the response was relatively balanced, where 46% either strongly disagreed or disagreed and 44% strongly agreed or agreed. It is considered on balance, that the proposals put forward in the strategy would allow a successful rental market to flourish, but with the assurance that it is regulated and meets the needs of the local tourism economy. Through issuing commercial agreements to renters, the Council will be assured that this service will comply with insurance obligations and other statutory measures.

With regards to adaptations and the proposal to work towards a removal of extensions such as large verandas and balconies, 45% of consultees either strongly disagreed or disagreed and 34% strongly agreed or agreed with the Council's position. Of the Tendring residents who completed the questionnaire however, this position alters – as 44% of consultees either strongly agreed or agreed and 39% strong disagreed or disagreed. Having considered these responses, it is recommended to continue with the original suggestion in this emerging strategy. The need to ensure beach huts are not expanded outside of their allocated jurisdiction onto wider public spaces, is an important factor. The fact that this position is supported on balance by residents (if not the wider group of consultees), gives weight to this position.

Finally, with regard to increasing resources to monitor beach hut agreements, 34% of consultees either strongly agreed or agreed with the Council's position and 42% either strongly disagreed or disagreed. The Council will consider this position when preparing any future business plan brought forward on this matter. Further analysis on residents and non-residents views can be considered at that time.

Following the consultation, Officers have considered how the revised specification can be embedded into Beach Hut Agreements. As such, it is now suggested that licences are phased out over the next year and are replaced by leases from 1 April 2024. This will include obligations for beach hut design, as set out in the revised specification. Leases will also provide those with beach huts on Council land with additional security, which they do not currently have with a licence agreement. As beach huts are changing hands for very significant sums of money, it is considered that leases would provide the fairness of additional security, which is not currently available through licence agreements. It should be noted however that the annual cost of a lease will be higher than that of a licence fee, to reflect that greater security. This will be made clear during the formal consultation exercise with stakeholders. This would not prevent those with agreements being able to sell their lease to a private buyer, as long as their beach hut was fully compliant. The lease would be assignable to a new owner and the originator would need to apply to the Council for consent to assure this was compliant.

Furthermore, it is recognised that a majority of stakeholders disagreed with the Council's position on issuing Commercial Licences through a competitive tender process. Although it is important and appropriate to regulate the market for rentals, it is now proposed that commercial licences are issued to those requesting them, but based on a criteria. This will cover key points such as accessibility and safety of huts, to ensure Commercial Licence holders are able to

provide a high quality service and any agreement will consider the key points set out in the Council's Tourism Strategy. With the suggestion of a move from licences to leases, it is proposed that any new commercial agreements being issued would be through a lease. This would be in advance of the wider roll out in April 2024 and could be rolled out following Cabinet's adoption of the final strategy.

A Task and Finish Group from the Resources and Services Overview and Scrutiny Committee has been initiated in relation to the Beach Hut Strategy, which so far has met with Officers, Beach Hut Associations and the Portfolio Holder for Leisure and Tourism. Further meetings are scheduled to take place and the process will continue through the consultation period, following the Cabinet meeting in November.

Once this draft strategy has been approved at Cabinet in November, the views of residents, current licence holders, Beach Hut Associations and other stakeholders will again be requested through a consultation process. This will include a set of Frequently Asked Questions FAQs on the proposals in the strategy, to ensure consultees are clear on the details. Officers and the Portfolio Holder will consider responses to the consultation and a final raft strategy will then be brought back to Cabinet in February 2023 for final adoption.

In addition to the changes proposed in the original consultation, the proposed updates to the methods for issuing Commercial Agreements and the move towards leases will be covered. This will include increased charges to reflect the additional security afforded by leases, as opposed to licences.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	X Significant effect on two or more wards Involves £100,000 expenditure/income Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	14 September 2022

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Cases assessing principles of Section 120 of Local Government Act 1972 confirm that the Council is obliged to ensure that the management of its assets are for the benefit of the district.

X The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

Consultation has already been undertaken on some specific areas in relation to the review of the Beach Hut Strategy and further consultation is being proposed on the principles of an emerging strategy and the outcome of such consultation will be considered and reported to Cabinet prior to final decisions being made for adoption. The Council proposals are within its

powers and the final report will detail any changes in legal documentation required and the processes to be followed, before implementation.

FINANCE AND OTHER RESOURCE IMPLICATIONS

It should be noted that this strategy does not commit the Council to any additional expenditure. Any option for building additional Beach Huts for sale or lease (to fund additional resources or improvements), will be brought forward as a standalone business plan in its own right to the Corporate Investment Panel.

There are currently no additional resources for enforcement, but this will be addressed and proposed through the Beach Hut development proposal.

A formal proposal and business plan for a Beach Hut development programme will be submitted through the Corporate Investment Plan process following adoption of the strategy.

If Cabinet choose to move towards replacing licence agreements with leases, this will include an increase in annual charges, to reflect the greater security of tenure for those with huts on Council land. The process for setting fees and charges for commercial agreements will be through establishing a market rental following an evaluation by an external property consultant.

The proposals are within the Council's powers.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no further comments over and above those set out elsewhere within this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The Beach Hut service is self-funding and this strategy does not increase costs to the Council.</p> <p>A standalone proposal and business plan will be brought forward for consideration following the adoption of the strategy. This will demonstrate the financial resources required for any additional resources required to improve administration of the strategy. The implementation of the strategy will not be dependent on this proposal.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,; and</p>	<p>The Council has consulted on this strategy prior to consideration by Cabinet. A further consultation process will be carried out following its adoption.</p> <p>Any future decisions required in relation to its implementation or support of the strategy delivery, will be subject to an appropriate decision.</p>

<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The consideration of a new digital platform will improve efficiency and management of Council resources.</p> <p>Any future procurement exercises in relation to this strategy may benefit the local economy.</p>
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MILESTONES AND DELIVERY

If Cabinet accept the recommendations in the report,

- Once this Draft Strategy has been approved by Cabinet, the views of residents, licence holders, Beach Hut Associations and other stakeholders will again be requested through a six-week consultation process.
- The strategy review will then be brought back to Cabinet in February 2023 for final adoption, with consideration to any points raised through the consultation process.
- Any short term changes to the Beach Hut Licences resulting from the adopted strategy will be implemented by April 2023 and licence holders will be informed directly, providing a minimum of 28 days’ notice. This will include a specific reference to beach huts not being rented for more than 10 days per year (for those who do not wish to apply for a commercial agreement).
- Those beach hut customers who wish to apply to change to a commercial agreement will be asked to provide an expression of interest. This will be assessed against a criteria, which will ensure their huts are accessible, safe and meet the objectives set out in the Council’s Tourism Strategy.
- A formal proposal and business plan for a Beach Hut development programme, as set out in Appendix A will be brought forward for consideration following adoption of the strategy.
- A review of the Beach Hut specification will also be undertaken following adoption of the strategy in February 2023. This will be carried out in consultation with Beach Hut Associations and other key stakeholders.
- It is proposed that licences are replaced by leases for the remaining beach hut customers on 1 April 2024 and this will incorporate any changes to the specification.

ASSOCIATED RISKS AND MITIGATION

At this stage, Cabinet is just being asked to approve the content of the draft strategy and agree for a consultation exercise to be undertaken.

Key Risks	Action Proposed to Manage the risk	Link to Corporate Risk Register
A lack of resources to implement the strategy in full	<i>A proposal and accompanying business plan will be submitted for</i>	Reputational

	<i>consideration, following the adoption of this strategy</i>	
EQUALITY IMPLICATIONS		
<p>The Council will need to consider accessibility and those Beach Hut Licence Holders with disabilities when considering changes to the Beach Hut Specification.</p> <p>If it is chosen to issue Commercial Agreements to those wishing to rent out beach huts, the Council will need to ensure issues of accessibility are addressed. It is intended to achieve this through a set of criteria, which those requesting commercial agreements will be required to comply with.</p> <p>The consultation process was open to all stakeholders to participate and although it was administered online, paper copies were made available.</p>		
SOCIAL VALUE CONSIDERATIONS		
<p>Any future procurement linked to this revised strategy will consider social value and the impact it can have on the local economy.</p>		
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030		
<p>Under the proposal to revise the Beach Hut specification document, new sustainable products will be a key consideration for improvements. The implementation of an improved digital platform to improve service and communication with Beach Hut Licence Holders, has the potential to reduce Officer travel around the District.</p>		
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS		
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>		
Crime and Disorder	<p>The issue of Beach Hut crime and anti-social behaviour has been considered with this strategy. The Council has utilised deployable CCTV cameras on seafront locations over the last 12 months in bid to impact on criminal damage and theft on Dovercourt Seafront.</p> <p>Incidents of seafront crime may require deployable CCTV cameras to be utilised in the future.</p>	
Health Inequalities	<p>Although this strategy does not impact directly on Health Inequalities, aesthetic improvements to Beach Huts and wider seafront locations across the District will improve public open space and contribute towards enhanced quality of life for local residents and visitors.</p>	
Area or Ward affected	<p>The Beach Hut Strategy and the implications of this review impacts on the entire District.</p>	

BACKGROUND

Along the Tendring coast there are currently 3,057 beach huts directly under the operation and management of Tendring District Council. This has increased from 3,039, as reported in the original strategy. Other beach hut provision exists in parts of the District, on private land or land under the control of Town Councils.

Beach huts are an important and significant feature of Tendring life. Beach huts are prominent in the advertising and promotion of Tendring as a visitor / tourist destination. Beach huts not only offer a popular recreational activity including encouraging use of the seaside for local people. They also bring in families and visitors from outside the District. The current occupation of beach Huts in Tendring is divided 60% locally owned and 40% owned by non-residents. This figure varies from location to location with Walton-on-the-Naze attracting the greatest proportion of outside ownership.

Demand for beach huts remains high despite the current national economic challenges. In 2013 huts were listed in the strategy as changing hands for between £5,000 and £30,000. In 2022 however, the higher end has increased to up to £60,000 and beyond in some cases.

The introduction of further beach huts and the potential to sell or lease to meet the demand remains a key part of this revised strategy.

Beach huts are present in all coastal areas of the District and licence holders are represented by well organised local Beach Hut Associations in the following locations:

Brightlingsea Beach Hut Association
Clacton and Holland Beach Hut Association
Frinton Beach Hut Association
Harwich and Dovercourt Beach Hut Association
Walton Beach Hut Association

Historically the Council has provided an Officer to attend Association Annual Meetings and over recent years, has met regularly with representatives of all Associations in a District Wide Group. Many of the changes proposed for the Strategy emerge from these discussions.

Key Issues from the Strategy Review

Renting of Beach Huts

Some associations are supportive but others less so. Whilst sharing the use of a beach hut amongst family and friends is an entirely reasonable way of maximising the pleasure and enjoyment of beach hut ownership, commercial letting is not what was ever intended. Commercial activities are potentially making beach huts unaffordable for ordinary users as well as risking the over-crowding of some areas.

Whether any new beach huts licences should be restricted to one per household in order to maximise local opportunities. We are considering honouring multiple existing licences to one household. However, if a household already has a beach hut, then they would not be able to apply for a second licence.

Accessibility

By their very nature the bulk of huts are challenging in terms of accessibility for any disabled user. While wholesale improvement is likely to be impractical and unviable improvement and addition schemes should fully consider accessibility.

Conditions

Correspondents have raised concerns about some specific areas and the generality of property conditions around the seafronts and beach hut areas. In the absence of a financially sustainable approach, it is unlikely that the Council will be able to make significant progress in addressing these issues.

It is also clear that a number of huts themselves are in poor condition and it may well be beneficial for any enforcement approach to also address this.

Alterations

Over the years, it has also become apparent that some huts breach the current specifications due to adaptations that have taken place, and that some extend beyond the stated plot dimensions, i.e. the addition of patios / balconies / decking areas, etc. It is proposed through this strategy, to review the current specification following adoption by Cabinet and work with those who have adapted their huts with large verandas, decking areas and balconies which fall outside of the specification and agreement, to have them removed.

PREVIOUS RELEVANT DECISIONS

Adoption of the 2013 Beach Hut Strategy – October 2013

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Beach Hut Strategy Revisited & Consultation Response
Appendix B – Consultation Questions

REPORT CONTACT OFFICER(S)

Name	Mike Carran
Job Title	Assistant Director, Economic Growth and Leisure
Email/Telephone	01255 686689 mcarran@tendringdc.gov.uk

Tendring District Council Beach Hut Strategy Revisited

***currently draft for public consultation**

DRAFT

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1.0 Executive Summary

Tendring District Council adopted its Beach Hut Strategy in 2013, to provide the approach to its management of the service in subsequent years. This review of the existing strategy is to highlight a number of emerging issues relating to Beach Huts, to ensure beach hut conditions are adhered to and appropriate resources are in place to monitor the service.

In the summer of 2022, the Council carried out a consultation exercise with stakeholders on a range of issues which it was minded to review. As such, amendments/updates to the original strategy, are based on the items which were set out for consultation and guided by the responses which were received.

As the points set out and raised in the consultation were materially consistent with the 2013 strategy, this has led to a review of the original document, to be adopted as the updated strategy following public consultation.

Along the Tendring coast there are currently 3,057 beach huts directly under the operation and management of Tendring District Council (this has increased from 3,039, as reported in the original strategy) with others on private land or land under the control of Town Councils.

Beach huts are an important and significant feature of Tendring life. Through imagery, Beach huts are prominent in the advertising and promotion of Tendring as a visitor / tourist destination. Beach huts not only offer a popular recreational activity including encouraging use of the seaside for local people, they also bring in families and visitors from outside the District. The current ownership of beach Huts in Tendring is divided 60% locally owned and 40% owned by non-residents. This figure varies from location to location with Walton-on-the-Naze attracting the greatest proportion of outside ownership.

The market for beach hut sales is private and largely unregulated. Tendring District Council beach hut sites are currently only offered on the basis of a rolling site licence paid for annually. Despite hut owners having no interest in the land, beach huts can change hands for significant sums. Through this strategy, the Council is investigating a range of options with regard to existing beach hut sites to provide greater security balanced against the value of the assets placed on Council land. The Council's revenue funds additional improvements and on-going management of the Beach Hut Service.

Over a considerable period of time, some Beach Hut users have adapted their huts, so they no longer conform to the approved specification. Issues around the appearance of beach huts, unauthorised extensions/verandas and safety features of the huts themselves remain

Demand for beach huts remains high despite the current national economic challenges. In 2013 huts were listed in the strategy as changing hands for between £5,000 and £30,000. In 2022 however, the higher end has increased to up to £60,000

The introduction of further beach huts and the potential to sell or lease to meet the demand remains a key part of this revised strategy.

an important area of concern. The development of new agreements as outlined in this document has the potential to regulate these concerns. This would ensure a market for rentals could exist successfully, through a regulated service offering high quality provision to visitors and residents.

It is clear that the vast majority of current licence holders abide by the terms and conditions set out in their agreement. There are a minority of exceptions to this, which proposals in this strategy seek to address. There is an onus on licence holders to keep their huts in a presentable condition and conform to the conditions, in order to maintain high standards on the District's seafronts.

Further to this, a small number of licence holders are offering their huts for commercial rental. Commercial letting of huts was never intended, not least because it could be argued that such activities are making beach huts unaffordable for ordinary users as well as causing over-crowding in some areas with many renters using huts. This Council strategy aims to regulate hut rentals to comply with both the letter and the spirit of beach hut conditions.

Providing beach hut sites and the necessary agreements impose obligations and expense to the Council which offsets much of the revenue received. Maintenance of slopes and footpaths and coastal/cliff erosion where most beach huts are located are examples of this.

Beach huts are present in all coastal areas of the District and licence holders are represented by well organised local Beach Hut Associations in the following locations:

Brightlingsea Beach Hut Association
Clacton and Holland Beach Hut Association
Frinton Beach Hut Association
Harwich and Dovercourt Beach Hut Association
Walton Beach Hut Association

Mission

To create a framework for service provision which will ensure the continued popularity of Beach Huts in Tendring and to put the objectives of the strategy into action.

Objectives

The objectives for the Beach Huts service at Tendring District Council are to provide a regulated, customer focused, efficient, quality service, increasing security and income opportunities to enable:

- **Improved seafront assets and infrastructure**
- **Increased awareness of local seafront issues**
- **Support for tourism and economic development strategies of the Council**

Keys to Success

Keys to success include:

1. **Maintain the popularity and use of beach huts in Tendring**
2. **Improved infrastructure supporting existing and future beach hut provision**
3. **The presentation of future business planning for beach hut development**
4. **Improved appearance of beach huts and beach hut sites**
5. **Improved consistency of beach hut standards**
6. **Ensure beach huts contribute positively to the local economy**
7. **Providing security of tenure whilst ensuring beach hut customers conform to conditions of their agreement**

2.0 Policies in Support of Mission, Objectives and Keys to Success

Income

To generate sufficient income to meet operating costs, to support future maintenance requirements and to enable investment for developing opportunities for further beach hut provision in line with inward investment and the Council's approved tourism strategy.

There are a number of sites across the District where additional beach huts can be located, subject to a future business plan. The potential for income will depend upon:

- The Council's financial position and wider economic forecasts
- The cost of building and location of new beach huts which vary dependent upon location – some areas can be “in filled”, others require new supporting infrastructure such as bearers
- The level of income potential from beach huts – this varies from area to area
- Whether beach huts are sold and capital receipts obtained – varies according to demand in certain areas
- Whether beach huts are marketed and rented directly from the Council

NEW BEACH HUTS

What is the issue?

There is consistent demand for new huts across the district, given the rising price of huts. Following the Covid-19 pandemic and subsequent national lockdowns, demand appeared to grow with travel restrictions imposed. Additional finance will be required to ensure licence conditions are adhered to and an improved digital service for customers is offered. Any remaining income would be used for seafront improvements.

What will the Council do?

The Council will prepare feasibility studies to build new beach huts around the District, which will be accessible through either a lease or direct sale. The number of new huts will depend on the space available in appropriate seafront locations and the demand for new huts from local people. Any additional income raised, will be used to support additional investment into seafronts and any additional resources required to ensure licence conditions are adhered to. The decision on additional huts will be subject to a business case, should be self-funding and approved through a Cabinet Member decision by the Portfolio Holder for Leisure and Tourism.

Using an assessment of individual beach hut sites available and potential larger areas for development, it is possible to demonstrate where additional income can be achieved by the Council to set against requirements for increased expenditure.

The cost of constructing a beach hut to TDC standards is subject to securing the best contractor in accordance with The Council's procurement and financial procedure rules.

The potential return on investment in any beach hut location will be dependent upon the demand for beach huts and the open market value in specific locations.

MONITORING OF BEACH HUT CONDITIONS & COMPLAINT MANAGEMENT

What is the issue?

There is currently no dedicated resources to monitor Beach Hut conditions, including rentals and adaptations. Additional staffing capacity would be required if ongoing monitoring of conditions was to be carried out.

What will the Council do?

The Council is considering additional staffing resources to ensure conditions are adhered to and taking appropriate and proportional enforcement action where necessary. This could be funded through the Beach Hut development programme referred to above and subject to a process of approval. The viability of any increase in staffing would be decided through a business case and the Council's budgeting process.

Customer Service

AN IMPROVED DIGITAL SERVICE FOR BEACH HUT USERS

What is the issue?

A greater digitalisation of the Beach Hut service is likely to improve customer contact, efficiency and extend the services available. It is also likely to reduce the environmental impact of the service, with less paper required. This could incorporate standard forms and submission of regular customer contact through digital means.

What will the Council do?

The Council is considering installing new software to improve services to beach hut users and allow them to complete processes online. This would also be used to gather and record appropriate information about conditions, including which huts are able to rent and to ensure complaints are easier to report and manage. This would be funded through a Beach Hut Development Programme and subject to a process of approval.

Security

All beach hut areas should offer a safe environment for the public and for users to enjoy with confidence in their safety.

To promote and support Beach Hut Associations with regard to security issues by seeking to

- Install deployable CCTV cameras on a temporary basis where this is practically possible, through the Council's process and CCTV policy process. This will be dependent on the needs and demands of a particular location, compared with issues experienced in other areas of the District. Cameras will only be deployed through the processes set out in the Council's CCTV Policy
- Improve patrol options by joint working with Council staff and beach Hut volunteers
- Longer term work with Crime Reduction partners on crime and anti-social behaviour on seafronts

Standard of Maintenance & Appearance

All beach hut areas to maintain a standard of infrastructure and appearance designed to support priorities for tourism and inward investment. This will include sound structures and agreed additional features, surface layouts and boundaries as well as general attractiveness of appearance including a palette of suggested colours.

The standards will apply to the surrounding area also to satisfy users and owners they are receiving a quality service.

All sites to be kept clean with appropriate number of litter bins in place.

Improvements to the quality and standard of beach huts are issues that have not always been treated as a high priority. Whilst essential repairs have been made to existing beach hut areas to supporting bearers, retaining walls and sub soil, these have not always been undertaken as part of a planned programme, or in relation to an overall business plan and in many areas the pace of improvement has not kept up with the aspiration of users.

There is also a need to agree policies and actions in respect of the overall appearance of beach huts in Tendring. Despite an aspiration in the original strategy, dilapidated huts and unauthorised structures are still addressed individually but not part of an overall plan designed to improve enhancement to the appearance of beach hut locations and individual beach huts. In order to address this in a systematic fashion, this requires additional resources and supporting policies following a detailed survey of locations and requirements.

Finally, there is an aspiration to move towards a new palette of approved colours for Beach Huts, to improve vibrancy of sea front locations. Subject to a technical review and further consultation, a revised specification could also cover such issues as standardisation of Beach Hut roofs, modern cladding (subject to research and meeting British Design and Safety Standards) and products which improve carbon footprint.

Following the pre-consultation, it is considered best practice to embed the revised specification into Beach Hut Agreements. As such, it is now suggested that licences are phased out over 2022/2023 and are replaced by leases from 1 April 2024. This will include the obligations for beach hut design, as set out following completion of the revised specification. Leases will also provide those with beach huts on Council land with additional

security, which they do not currently have with a licence agreement. It should be noted however that the annual cost of a lease will be higher than that of a licence fee, to reflect that greater security of tenure and market values. This will be subject to a separate valuation process, if this proposal is adopted when the final strategy is considered. This would not prevent those with agreements being able to sell their lease to a private buyer, as long as their beach hut was fully compliant. The lease could be assignable to a new owner and the originator would need to apply to the Council for consent to assure this was compliant.

This will decrease the chances of similar issues with adaptations occurring in future due to the clarity of obligation through the revised agreements.

RENTING OF BEACH HUTS

What is the issue?

The existing licence conditions *include the following clauses, which do not allow for beach hut rentals to take place:*

- *'Not to use nor permit the use of the Hut or the Site for any trade profession or business.'*
and
- *'The rights given in Clause 2 may only be exercised by him and his immediate family and guests'*

In addition, if Council assets are being used for commercial reasons, the Council has an obligation to seek both best value and ensure there is a transparent process for providing appropriate permissions.

What will the Council do?

The Council will issue commercial agreements for those wishing to rent out Beach Huts for more than 10 days per year. It is recognised that a majority of stakeholders disagreed with the Council's initial position on issuing Commercial Agreements through a competitive tender process. Although it is important and appropriate to regulate the market for rentals, it is now proposed that commercial agreements are issued to those requesting them, but based on a criteria. This will cover key points such as accessibility and safety of huts, to ensure Commercial Agreement holders are able to provide a high quality service and any agreement will consider the key points set out in the Council's Tourism Strategy. With the suggestion of a move from licences to leases, it is proposed that any new commercial agreements will be issued through a lease. This would be in advance of the wider roll out in April 2024 and could be rolled out following Cabinet's adoption of the final strategy.

THE CURRENT BEACH HUT SPECIFICATION

BEACH HUT ADAPTATIONS

What is the issue?

Over the years, it has become apparent that some huts breach the current specifications due to adaptations that have taken place that fall outside of the stated plot dimensions i.e., the addition of patios/ balconies/ decking areas, etc. In these instances the site licence does

not cover those adaptations. Further to this, some of these adaptations could be considered unsafe and inappropriate for their location.

What will the Council do?

Following a review of the specification (referred to below), the Council will work towards the priority to maintain public spaces to a high standard, by working with owners for the removal of those adaptations which fall outside of the revised specification.

Depending on the outcome of a review of the Beach Hut specification, the Council may consider a new set of fees and charges for any adaptations which are deemed appropriate.

BEACH HUT SPECIFICATION

What is the issue?

The Council is considering a revision of the current Beach Hut specification and make appropriate changes. This will consider issues such as new brighter colour schemes and visual and design guidance for beach hut users, including environmental considerations;

What will the Council do?

The Council will work through a review of the current specification and consider adding new products, such as modern cladding which do not currently meet the specification. This can also consider how beach huts could support the Council's carbon neutral agenda. Following adoption of this strategy, the Council will commission this work and involve representatives of each Beach Hut Association as part of the consultation process.

It is intended to bring forward proposals for Cabinet to consider for a new colour palette when the strategy is adopted in February 2023. A wider review of the specification will be undertaken following the approval, which will require more time to develop the detail and technical drawings required. This will require consultation with the Beach Hut Associations. The revised specification will be embedded into beach hut agreements through the implementation of leases by April 2024.

Charging Structure

All beach huts to have a tariff structure that is transparent and reflects local conditions. Any changes to be agreed by the relevant Portfolio Holder(s) through the fees and charges approval structure before being implemented.

The process for setting charges for commercial agreements will be set following a review and we anticipate that the rental for these agreements will be higher than those set for mainstream agreements. The Council will consider a staged increase of these charges. It is intended to honour a discount for local residents under this scheme, as has been the arrangement in previous of years.

The move from licences to leases and the additional security that would afford, will result in an increase to annual fees and charges.

The fee for issuing a new beach hut agreement will also be reviewed on an annual basis.

Consultation

This review of the original Beach Hut Strategy has been conducted following an open consultation exercise with stakeholders. Further information on the outcome of that consultation is provided at the end of the strategy. Regular and ongoing consultation is to be undertaken with:

- (i) Beach Hut Associations, all hut owners / users
- (ii) Representatives of the local community
- (iii) Portfolio Holder(s) and Cabinet

Consideration has been given to the responses from stakeholders to the proposals in this strategy in its production. The outcome is summarised in the strategy appendices.

Investment

A plan of scheduled investment into the District's seafronts at beach hut locations will be devised and presented for approval through the Council's decision making process to maintain agreed standards. This plan will consider how seafronts are currently maintained and put forward proposals for how assets can be sustainably financed in the future. This is to include maintenance of cliff slopes and the significant investments which have taken place.

Further improvements and alterations including the provision of additional beach huts and facilities are to be set-out in a business plan (including the impact of the above policies), recognising existing tourism and inward investment strategies and agreed with the relevant Portfolio Holder(s).

Provision of Beach Huts & Alternative Provision

Consideration will be given to the style of any new Beach Huts developed, when proposals are fashioned and considered for approval. The original strategy considered alternative styles of huts and set out options for overnight accommodation on seafronts. Any proposals developed will recognise the impact on local communities and consideration of local issues and in particular tourism and inward investment strategies for the District. As such, the Beach Hut development programme will put forward options which are considered appropriate for the location and ones which fit into the parameters of this revised strategy.

The original strategy included the following:

"There are beach hut type facilities across the world and in recent times many new ideas for camping and seafronts have been developed. These include, amongst other things alternatives to the traditional beach hut provision with beach huts that offer different designs and opportunities that attract a range of different users. Any business plan should incorporate ideas or provision for exploring alternative options."

Going forward, alternative options will only be considered in the context and spirit of this revised strategy.

The beach hut service works in partnership with other internal Council services such as planning and coastal engineering as well as highlighting opportunities for partnerships with the commercial sector.

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3.0 Service Plan for the Beach Hut Service

An objective of any strategy in relation to beach huts is to maintain exceptionally high standards and ensure policies and conditions are adhered to. This will improve the quality of the seafront offer for beach hut users, residents and visitors to the District.

It is proposed to develop the existing Beach Hut database to a new improved digital platform in order to:

- **Ensure that owners maintain beach huts to an acceptable standard.**
- **To identify and address known maintenance requirements of existing sites.**
- **To highlight additional income opportunities designed to support beach hut policies as well as to contribute towards the maintenance of the districts coastline.**

The Service Plan: Short Term – 0 to 24 months

1. **Implement changes from the revised Beach Hut Strategy, as set out below:**
 - a. **Implement short term changes for standard licences for Beach Huts in April 2023;**
 - b. **Implement new commercial leases following expressions of interest, against a set of criteria;**
 - c. **Devise and publish new colour palette for Beach Huts;**
 - d. **Evaluate which Beach Huts have balconies and verandas which do not conform to the specification. Work with those beach hut users to make suitable amendments or removal where appropriate;**
 - e. **Work with Beach Hut owners and stakeholders to develop a revised specification;**
 - f. **Replace licence agreements with leases by 1 April 2024**
2. **Complete review of potential areas for new beach huts both individually and on a larger scale.**
3. **Devise business case for Beach Hut development programme for a future decision, including a costed plan for investment into additional resources and seafront improvements.**

4. Review financing of seafronts and set out costed proposals for sustainable investment in the long term, to aspire towards public maintaining public assets to a high standard.
5. Subject to funding, consider purchasing additional deployable CCTV Cameras for seafront locations. This will be considered through the business planning process referred to in this strategy.
6. Continue with District Wide Beach Hut Associations a minimum of twice per year.

Medium Term - 24 months to 3 years

1. Evaluate short term goals
2. Evaluate the outcomes of commercial leases for reporting back to Cabinet
3. Continue Beach Hut development plan subject to the need and demand and a standalone business plan being approved.
 - Review the need for additional security at beach hut locations
 - improve appearance of beach huts generally
 - continually monitor, evaluate and address unauthorised structures

Longer Term - 3 years +

1. Review Beach Hut Strategy and report back to Cabinet

5.0 Actions in Support of Policies

Income Potential to offset future investments

There are a number of sites across the District where additional beach huts can be located. The potential for income will depend upon:

- **The cost of building and siting new beach huts which vary dependant upon location – some areas can be “in filled”, others require new supporting infrastructure such as bearers (which obviously incur additional up front and long term costs).**
- **The level of financial return received from beach huts – varies from area to area**
- **Decisions on whether beach huts are sold and capital receipts obtained, or are leased, may vary according to demand. Which option is more appropriate will be set out for approval in a future business case.**

Current and Future Charging Structure

Charges will continue to be set annually in consultation with the Portfolio Holder, so as to consider the local climate for Beach Huts. The fees and charges set will reflect the cost of the service in the short, medium and long term. This will also consider charging for leases and commercial leases following final adoption of the strategy, as mentioned elsewhere in this strategy.

Following publication of the revised Beach Hut specification, consideration could be given to additional fees and charges for approved adaptations, where appropriate.

Optimising Usage & Satisfying Demand

Examination of existing fees and charges will assist towards achieving objectives and key targets.

At present the demand for beach huts in the District remains high. All fees are paid annually and few, if any, owners default.

The private market for beach huts and beach hut sales remains buoyant, but turnover and sales are always subject to any slowdown in the property market. However this is not currently evident in Tendring.

There is also a clear demand from local residents for “affordable” access to Beach Huts and opportunities exist to stimulate demand from both inside and outside the District.

Marketing of beach huts – web marketing and marketing from more traditional sources has been extremely limited in the past. Active marketing represents an opportunity within the future business plan to increase demand and revenue possibilities.

Careful or prudent management of any marketing or development of additional beach huts is required to prevent instability in the existing market.

The Council will look to update the palette of colours for hut owners to follow.

Improvement to Quality & Standards

Improvements to the quality and standard of beach huts are an issues that have become more and more apparent, since the original strategy. A programme of replacing supporting structures at the Leas (Frinton on Sea) has been undertaken over the last few years. The emerging business plan will set out how this programme can continue, to work towards high quality and importantly, safety.

As set out earlier in this strategy, there is an urgent need to address unauthorised beach hut structures in some areas of the District. This is for safety reasons and addressing this issue also offers possibilities for additional revenue.

The proposed revised and improved specification will provide the framework for improved aesthetics of Beach Huts. This will also ensure huts are more vibrant and visually impactful, through a move towards brighter and starker colours.

It would be desirable to improve the overall image of beach huts and the structures generally and to move away from the tendency to protect beach huts with wood stain or preserver. Although this is an effective way to preserve a beach hut in exposed locations it leaves many beach hut areas resembling allotments with garden sheds rather than prime seafront tourist and visitor areas.

Past differences of opinion such as the proposal for huts in Dovercourt Bay (below Beach Road) as well as successes elsewhere have shown that good partnerships between the local community and the Council with regard to these issues are likely to produce the most effective results. Arrangements between local Beach Hut Associations, Town Councils, local "In Bloom" Committees, Parish Councils and local businesses as well as residents in the relevant locations should be developed in order to further the improvement of facilities in local communities.

Security

The reduction of crime, the fear of crime and reducing anti-social behaviour is a key Council and wider community priority and the Parking and Seafront Service currently responsible for operating and managing beach huts enjoys a strong working relationship with the Tendring Crime and Disorder Partnership and local community organisations.

Actions to improve security should be undertaken starting with a review of current needs and perceptions and an action plan to introduce initiatives designed to meet the needs of beach hut users. Considerable information and feedback is provided by the local Beach Hut Associations and this is acknowledged in the proposals for developing and enhancing consultation with users and the community.

Web based information and other literature will contain advice on crime prevention and the seafront service in partnership with the police and other Council services will continue to

promote partnership enforcement and prevention initiatives relating to crime and anti-social behaviour.

The introduction of deployable CCTV cameras can also be considered through the Council's current stock and its approach set out in the CCTV policy.

Consultation

At present the Council receives feedback by means of regular meetings with local Beach Hut Associations and other stakeholders. A representative attends the Annual General Meetings of the Beach Hut Associations wherever possible.

Since 2019, regular meetings of the District Wide Beach Hut Association have taken place, by means of an "umbrella" group to cover issues relevant to all areas of the District. It has been typical for a service representative to arrange subsequent meetings with individual associations to discuss more localised issues. It is intended to continue this process. As referred to in this strategy, the Council also consulted widely on the proposals outlined in this strategy.

Improving the Efficiency & Effectiveness of Beach Hut Administration

Many of the proposals contained in both the original and reviewed strategy will impact on the method of delivery of the beach hut administration and the strategy should recognise that resources may need to reflect increased work or to ensure the completion of action plans.

It should also be noted that through the Assistant Director restructures which are currently underway, the Beach Hut Service will be moving to a new service at an appropriate time.

As previously mentioned, IT systems and processes will be reviewed to improve the customer journey and to make correspondence with the service more effective. Any cost and additional resources required will be considered through a separate decision.

The broader issues in relation to delivering the business plan and to meet policy objectives within this plan/strategy will require good partnership working both within the Council and with outside partners and stakeholders. Good partnership and effective administration of the service along with an agreed business plan and policy will hopefully deliver the objectives and help the service achieve its mission to work towards the continued popularity of beach huts in Tendring and to transform the stated objectives and aspirations into meaningful reality.

Prior to the development of this strategy, an open consultation was undertaken to seek the views of all stakeholders. A summary of the outcome is included in the appendices.

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Appendix A

Summary of Beach Hut Strategy Review Consultation

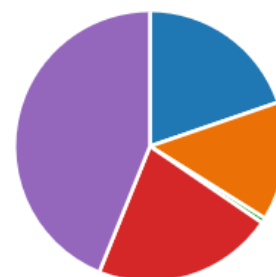
TENDRING DISTRICT COUNCIL BEACH HUT STRATEGY REVIEW

BACKGROUND

The Council has recently contacted all Beach Hut Licence holders, to inform them of an intention to review the existing Beach Hut Strategy which was first adopted in 2013. Following on from that, this consultation exercise sets out the range of issues the Council is minded to address through this review and how it is considering dealing with each point. With that in mind we are very keen to hear your views, which will inform the review and subsequently, how the Beach Hut Service will be managed in future.

WHICH DESCRIPTION SUITS YOU BEST

Resident	● I am a Beach Hut Licence Holder	528
Non Resident	● I am a Beach Hut Licence Holder	378
	● I am a local business	17
Non Beach Hut owners	● I am a Tendring resident and do not hold a Beach Hut licence	577
	● I am not a Tendring resident and do not hold a Beach Hut licence	1173



Further Information:

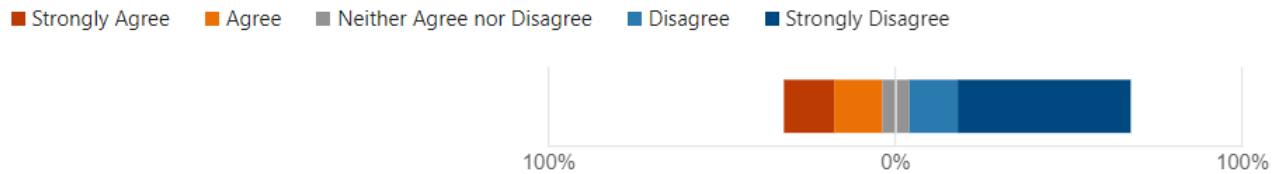
- A total of 2673 people completed the questionnaire
- 1551 of the consultees (58%) live outside of the District and 67% of those non Tendring residents do not hold a Beach Hut licence
- The remaining 42% are Tendring residents and local businesses
- Around 34% of the consultees hold Beach Hut licences. That is just under a third of the total Beach Hut licence holders in the District.
- Around 66% of consultees do not hold Beach Hut licences.

RENTING OF BEACH HUTS

What is the Council considering?

The Council will consider the possibility of issuing commercial licences for those wishing to rent out Beach Huts for more than 10 days per year. A limited number of commercial licences would be made available (this will be proportionate to the size of each beach hut site) on a competitive basis and interested parties would need to apply through a fair and equitable process. This would be the same process as other seafront businesses, e.g. kiosks.

What was the response?



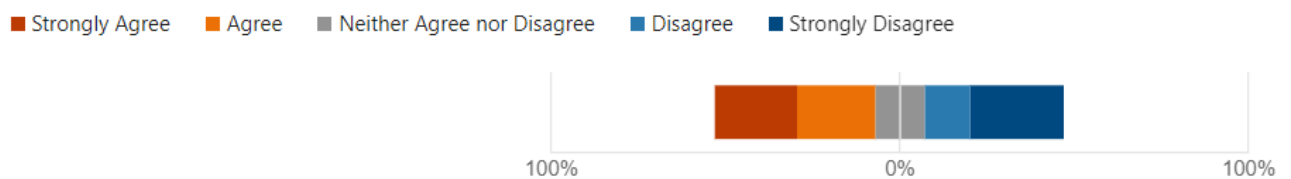
Further Information:

- 64% (1737) of consultees either strongly disagreed or disagreed with the Council's position. 28% either strongly agreed or agreed.
- Of the 1737 above who strongly disagreed or disagreed, 68% did not live in the Tendring District.
- Of the Tendring residents who completed the questionnaire, 46% either strongly disagreed or disagreed and 44% strongly agreed or agreed
- Of the 17 Businesses who completed the questionnaire, 88% either strongly disagreed or disagreed and 12% either strongly agreed or agreed

OWNING BEACH HUTS

What is the Council's position?

The Council is considering whether to limit new beach huts licences to one per household. We are considering honouring multiple existing licences to one household. However, if a household already has a beach hut, then they would not be able to apply for a second licence.



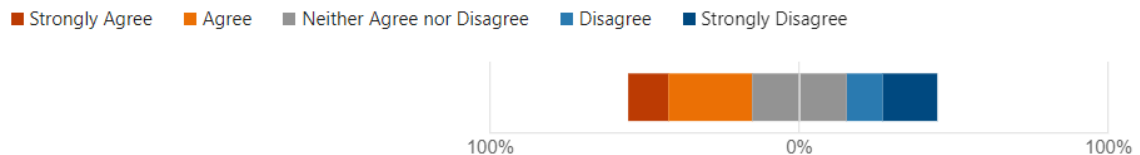
Further Information:

- 46% of the consultees either strongly agreed or agreed with the Council's position. 40% either strongly disagreed or disagreed with the Council's position.
- Of the Tendring residents who completed the questionnaire, 62% either strongly agreed or agreed and 26% strongly disagreed or disagreed.

THE CURRENT BEACH HUT SPECIFICATION

What is the Council's position?

The Council is minded to work through a review of the current specification and consider adding new products, such as modern cladding which do not currently meet the specification. This can also consider how beach huts could support the Council's carbon neutral agenda;



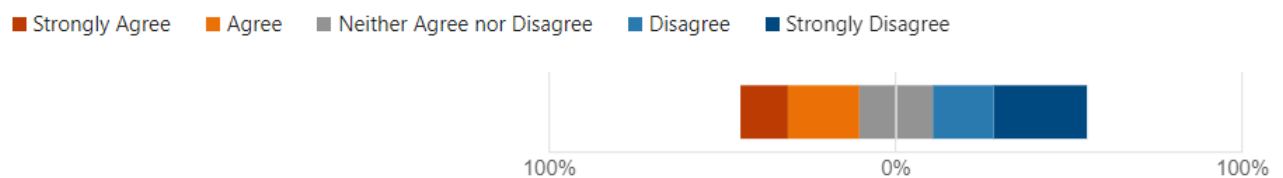
Further Information:

- **37%** of consultees either strongly agreed or agreed with the Council's position. **29%** either strongly disagreed or disagreed. Interestingly **31%** neither agreed nor disagreed
- Of the Tendring residents who completed the questionnaire,

BEACH HUT ADAPTATIONS

What is the Council's position?

Following a review of the specification, the Council is minded to work with licence holders to ensure a removal of those adaptations which fall outside of the revised specification.



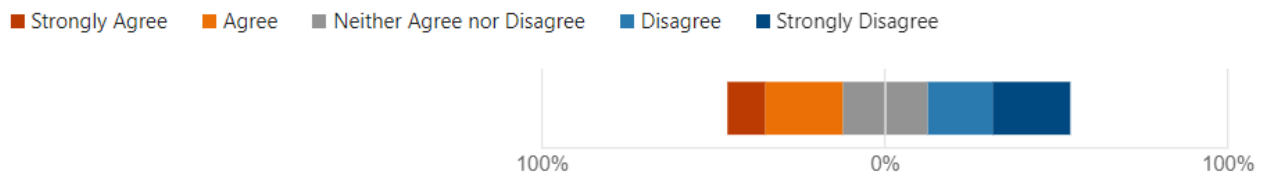
Further Information:

- **45%** of consultees either strongly disagreed or disagreed. **34%** strongly agreed or agreed with the Council's position.
- Of the Tendring residents who completed the questionnaire, **44%** of consultees either strongly agreed or agreed and **39%** strong disagreed or disagreed.

MONITORING OF BEACH HUT LICENCE CONDITIONS & COMPLAINT MANAGEMENT

What is the Council's position?

The Council is considering additional staffing resources to ensure licence conditions are adhered to and taking appropriate enforcement action where necessary. The Council will also need to consider how this would be funded, so complaints are acted upon in a timely manner.



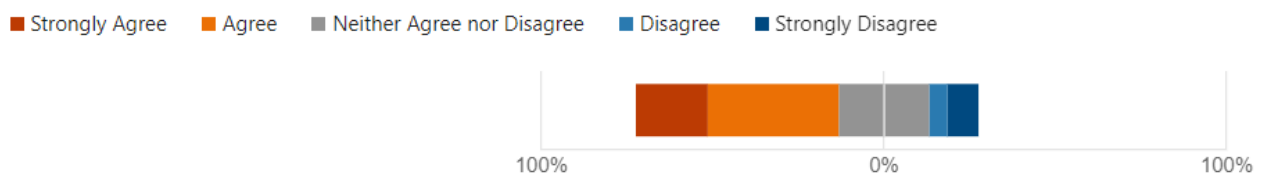
Further Information:

- 34% of consultees either strongly agreed or agreed with the Council's position. 42% either strongly disagreed or disagreed.

AN IMPROVED DIGITAL SERVICE FOR LICENCE HOLDERS

What is the Council's position?

The Council is considering installing new software to improve services to licence holders and allow them to complete processes online. This would also be used to gather and record appropriate information about conditions, including which huts are licenced to rent and to make complaints easier to report and manage.



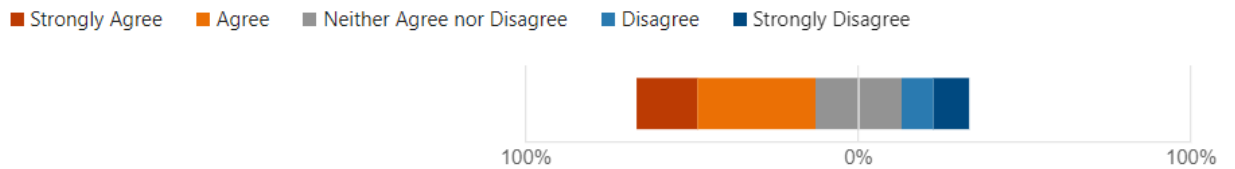
Further Information:

- 59% of consultees either strongly agreed or agreed with the Council's position. 14% either strongly disagreed or disagreed. 26% neither agreed nor disagreed.

BUILDING NEW BEACH HUTS

What is the Council's position?

The Council is considering whether to build new beach huts around the District, which will be accessible through a lease. The number of new huts will depend on the space available in appropriate seafront locations and the demand for new huts from local people.



Further Information:

- 54% either strongly agreed or agreed with the Council's position. 20% either strongly disagreed or disagreed.

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A.4 APPENDIX B – CONSULTATION QUESTIONS

TENDRING DISTRICT COUNCIL

BEACH HUT STRATEGY REVIEW QUESTIONNAIRE

BACKGROUND

The Council has recently contacted all Beach Hut Licence holders, to inform them of an intention to review the existing Beach Hut Strategy which was first adopted in 2013.

Following on from that, this consultation exercise sets out the range of issues the Council is minded to address through this review and how it is considering dealing with each point.

With that in mind we are very keen to hear your views, which will inform the review and subsequently, how the Beach Hut Service will be managed in future.

1. WHICH DESCRIPTION SUITS YOU BEST:

	TICK THE BOX WHICH BEST DESCRIBES YOU
I am a Beach Hut License Holder and live in the Tendring District	
I am a Beach Hut License Holder and do not live in the Tendring District	
I am a local business	
I am a Tendring resident and do not own a Beach Hut	
I am not a Tendring resident and do not own a Beach Hut	

2. RENTING OF BEACH HUTS

What is the issue?

The existing licence conditions *include the following clauses, which do not allow for beach hut rentals to take place:*

- *'Not to use nor permit the use of the Hut or the Site for any trade, profession or business' (e.g. commercial lettings) and*
- *'The rights given in Clause 2 may only be exercised by him and his immediate family and guests'*

What is the Council's position?

Whilst sharing the use of a beach hut amongst family and friends is an entirely reasonable way of maximising the pleasure and enjoyment of beach hut ownership, commercial letting is not what was ever intended, not least because such activities are making beach huts

*unaffordable for ordinary users as well as risking the over-crowding of some areas.
Consideration needs to be given as to whether to allow rentals in future.*

What is the Council considering?

The Council will consider the possibility of issuing commercial licences for those wishing to rent out Beach Huts for more than 10 days per year. A limited number of commercial licences would be made available (this will be proportionate to the size of each beach hut site) on a competitive basis and interested parties would need to apply through a fair and equitable process. This would be the same process as other seafront businesses, e.g. kiosks.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

2. OWNING BEACH HUTS

What is the issue?

Due to the demand for new beach huts around the District, we are considering ways of ensuring how they can be made available more fairly.

What is the Council's position?

The Council is considering whether to limit new beach huts licences to one per household. We are considering honouring multiple existing licences to one household. However, if a household already has a beach hut, then they would not be able to apply for a second licence.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

3. THE CURRENT BEACH HUT SPECIFICATION

What is the issue?

The Council is considered a revision of the current Beach Hut specification and make appropriate changes. This will consider issues such as new brighter colour schemes and visual and design guidance for licence holders, including environmental considerations;

What is the Council's position?

The Council is minded to work through a review of the current specification and consider adding new products, such as modern cladding which do not currently meet the specification. This can also consider how beach huts could support the Council's carbon neutral agenda;

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

4. BEACH HUT ADAPTATIONS

What is the issue?

Over the years, it has become apparent that some huts breach the current specifications due to adaptations that have taken place that fall outside of the stated plot dimensions i.e., the addition of patios/ balconies/ decking areas, etc. In these instances the site licence does not cover those adaptations.

What is the Council's position?

Following a review of the specification, the Council is minded to work with licence holders to ensure a removal of those adaptations which fall outside of the revised specification.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

5. MONITORING OF BEACH HUT LICENCE CONDITIONS & COMPLAINT MANAGEMENT

What is the issue?

There is currently no dedicated resources to monitor Beach Hut licence conditions, including rentals and adaptations.

What is the Council's position?

The Council is considering additional staffing resources to ensure licence conditions are adhered to and taking appropriate enforcement action where necessary. The Council will also need to consider how this would be funded to ensure complaints are acted upon in a timely manner.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

6. AN IMPROVED DIGITAL SERVICE FOR LICENCE HOLDERS

What is the issue?

A greater digitalisation of the Beach Hut service is likely to improve customer contact, efficiency and extend the services available.

What is the Council's position?

The Council is considering installing new software to improve services to licence holders and allow them to complete processes online. This would also be used to gather and record appropriate information about conditions, including which huts are licenced to rent and to make complaints easier to report and manage.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

7. BUILDING NEW BEACH HUTS

What is the issue?

Due to the demand for new beach huts around the District, there appears to be a call for new huts on a lease scheme.

What is the Council's position?

The Council is considering whether to build new beach huts around the District, which will be accessible through a lease. The amount of new huts will depend on the space available in appropriate seafront locations and the demand for new huts from local people.

What do you think?

Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree

Comments:

Thank you for taking the time to complete this form.

Please use the next section to provide any additional comments you may have, which can inform the strategy review.

ADDITIONAL COMMENTS (free text)

Thank you for taking the time to provide your comments.

WHAT WILL HAPPEN NEXT?

Your comments will be taken into consideration for the revised strategy and a report will be considered by the Tendring District Council Cabinet in September 2022. The Council will then consult with stakeholders on the revised strategy prior to formal adoption. Any changes to licence conditions will commence on 1 April 2023.

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CABINET

4 NOVEMBER 2022

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.5 FINANCIAL PERFORMANCE REPORT 2022/23 AND 2023/24 – GENERAL UPDATE AT THE END OF QUARTER 2

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide a general update and overview of the Council's financial position against the 2022/23 budget and looking ahead to 2023/24 and beyond.

EXECUTIVE SUMMARY

- As set out in the earlier report to Cabinet on 7 October 2022, this year has seen a number of emerging issues both nationally and globally that will have a significant impact on the Council's own financial position e.g. inflation, supply chain disruption, energy cost increases, commodity price increases along with associated secondary impacts. This is in addition to more local pressures on net costs such as the Crematorium remaining non-operational for the first half of 2022/23.
- Since the report above was presented to Cabinet, Officers have continued to work on updating the forecast along with exploring options to support the Council in meeting additional costs in 2022/23 along with setting a balanced budget in 2023/24.
- With the aim of setting out the various elements of the Council's financial performance as clearly as possible, this report has been split into the following key sections:

Section 1 – Items for inclusion in the budget / forecast for both 2022/23 and 2023/24.

In consultation with Services, forecasts have been made of potential variances that will remain at the end of 2022/23 along with their impact in 2023/24. For 2023/24, further items have been included as part of developing the longer term forecast.

Although the budget remains subject to further updates as the forecast continues to be developed over the next few months, the current estimated net additional costs in 2022/23 total **£3.389m**, with a forecast budget 'gap' of **£4.079m** in 2023/24. Further details are set out in **Appendix 1A**.

Section 3 of Appendix 1A sets out how these budget 'gaps' are proposed to be funded, which includes the refocusing of existing budgets / reserves.

Section 2 – Detailed commentary on the in-year financial position 2022/23.

The position to the end of September 2022, as set out in more detail within **Appendix 2**, shows that overall the General Fund Revenue Account is underspent against the profiled budget by **£10.960m**. As is the case at this time of the year, a key influence on the position to date is the timing of general expenditure and/or income budgets, although it

is acknowledged that further variances may emerge over the second half of 2022/23. In terms of the timing against expenditure budgets, a significant level of the variance to date reflects the COVID 19 Business Grant Schemes, where a final reconciliation process remains in progress in consultation with the Department for Business, Energy and Industrial Strategy (BEIS).

As highlighted above, rather than reporting / adjusting the position at the end of Q2, Services have been asked to estimate if any variances to date are likely to remain at the end of the year rather than being due to timing issues. Although variances to date are set out within **Appendix 2**, the proposed budget adjustments for 2022/23 set out in **Appendix A1** aim to address the expected year end position.

As highlighted within earlier reports, the Chief Executive continues to chair the regular Budget, Performance and Delivery meeting of Senior Managers where any emerging issues are discussed.

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 later on in this report, there are other no major issues that have been identified to date.

Any emerging issues will be monitored and updates provided in future reports, which will include their consideration as part of updating the long term financial forecast.

A half year treasury management review has been carried out with a summary set out later on in this report along with an associated recommendation to temporarily increase the aggregate limit of funds that can be placed overnight with the Council's bankers for the period that Officers may not be available over the Christmas break.

Section 3 – Detailed commentary on the updated long term forecast from 2023/24.

Appendix 3 sets out the detailed forecast for 2023/24 and beyond. For 2023/24, the current budget 'gap' is estimated to be **£4.079m**, with the main elements of this forecast position being translated into itemised figures within **Appendix 1A**.

The forecast / budget setting process remains a 'live' process and so work remains on-going in consultation with the various Services across the Council to identify further savings opportunities or other potential unavoidable cost pressures that may need to be considered as the detailed budgets are finalised for reporting to Cabinet in December / January.

As mentioned earlier in the year, the long term forecast can still provide an effective method of managing financial risks. The on-going impact from various financial challenges is still evolving and it is therefore important to highlight that the money set aside in the Forecast Risk fund reflects a balanced and realistic approach, and as set out in Section 3 of this report, this fund provides additional flexibility and time in considering how the Council can deliver the required savings from 2024/25 onwards.

A detailed review of risks associated with the long term forecast is subject to on-going review and is separately reported within **Appendix 3B**.

As highlighted in the report considered by Cabinet on 7 October, given the scale of the financial challenges that the Council faces, it is proposed to engage all members as early as possible in this process to add resilience to the Council's financial position heading into 2023. At the time of finalising this report, invites were being prepared to send to all Group Leaders to enable meetings to be arranged with relevant Officer(s), who will be able to provide additional detail around the forecast and approach set out in this report.

As highlighted in earlier financial performance reports, the Corporate Investment Plan will continue to play an important role in supporting the response to the financial challenges ahead. Given the scale of the on-going financial challenge faced by the Council the Corporate Investment Plan remains under review in parallel with the work highlighted above, but it will be presented to Cabinet later in the year once the Council's underlying financial position has become clearer before further investment opportunities can be considered.

Notwithstanding the above, a number of largely unavoidable items have been identified via the Corporate Investment Plan process, which are included within **Appendix 1A**, some of which relate to both 2022/23 and 2023/24.

As set out within Section 3 and **Appendix 3A**, the on-going savings required to deliver financial sustainability going forward total **£1.150m** in 2024/25 rising to **£4.250m** in 2025/26 before falling back to the underlying longer term target of **£0.450m** in 2026/27. The scale of the savings are significant and will present a major challenge for the Council.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) notes the Council's in-year financial position at the end September 2022 along with the updated financial forecast for 2023/24 and beyond;
- (b) approves the proposed adjustments to the 2022/23 budget as set out in Appendix 1A and agrees that the budget adjustments for 2023/24 as set out within the same appendix be included as part of developing the forecast and detailed estimates for further consideration by Cabinet at its December 2022 meeting;
- (c) that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council set out in this report; and
- (d) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m over the Christmas break.

REASON(S) FOR THE RECOMMENDATION(S)

To set out the latest financial position for the Council and to respond to emerging issues in 2022/23 and to develop the budget and long term forecast from 2023/24.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES			
<p>Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.</p> <p>The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. The current 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors. The approach set out in this report continues to be set against this wider context.</p>			
OUTCOME OF CONSULTATION AND ENGAGEMENT			
<p>Internal consultation is carried out via the Council's approach to developing the budget as set out within the Constitution. External consultation also forms part of developing the budget, and is carried out early in the year as part of finalising the position for reporting to Full Council in February.</p>			
LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days via the inclusion of the regular Financial Performance Update Reports item.
Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>Although there are no additional comments above those set out in this report, it is important to highlight that further decisions may be necessary to take a number of actions forward, such as those associated with the items set out in Appendix 1A.</p>			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
<p>The financial implications are set out in the body of the report.</p> <p>Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.</p>			

The approach set out in this report has been discussed with the Council's External Auditor, albeit informally. There were no major concerns raised and they will undertake a more detailed review as part of their usual commentary on the Council's use of resources.

Yes The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

This reports forms part of the Council's wider budget setting processes. Additional update reports will therefore be presented to Cabinet in December and January as part of developing the detailed estimates that will be presented to Full Council in February 2023.

ASSOCIATED RISKS AND MITIGATION

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. The Council's initial / short term response is set out in the body of this report and will continue to be addressed as part of the future financial updates reports highlighted earlier.

As discussed elsewhere in this report, further cost pressures may emerge over the remainder of the year, which may need to be considered for inclusion in the budget. The approach of refocusing existing budgets and reserves also adds additional risks as it reduces the ability of the Council to access such funding to underwrite further risks etc. going forward.

As set out in **Appendix 3A**, the Forecast Risk Fund may be depleted over the next two years, which adds further financial risk to later years of the forecast.

However, it is important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

EQUALITY IMPLICATIONS

There are no direct implications that significantly impact on the financial forecast at this stage. However, the ability of the Council to appropriately address such issues will be strongly linked

to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

OTHER RELEVANT CONSIDERATIONS OR 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	Please see comments above
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

SECTION 1 - COST INCREASES / CORPORATE INVESTMENT PLAN ITEMS 2022/23 AND 2023/24

Work has remained on-going following the general financial update presented to Cabinet on 7 October 2022.

In consultation with Services and as part of the Corporate Investment Plan process and the Chief Executive's Budget Performance and Delivery meetings, a number of items have been identified for inclusion in the budgets for 2022/23 and 2023/24, which are set out in **Appendix 1A**.

The above items may be newly emerging items or follow on from the issues identified as part of finalising the outturn position for 2021/22. Some of the items may also be on-going in nature whilst some are one-off.

In respect of some of the items relating to 2023/24, they also include 'corporate items' identified as part of the wider development of the forecast, with more detailed commentary set out in Section 3 of this report below.

As highlighted above and in the report to Cabinet on 7 October, funding the budget 'gaps' in 2022/23 and 2023/24 is primarily based on refocusing existing budgets and reserves with further details set out below.

Appendix 1A is split into the following Sections:

- **Section 1** – This sets out ‘corporate’ items such as inflation, which total - **£1.193m** and **£2.844m** in 2022/23 and 2023/24 respectively.
- **Section 2** – This sets out general operational items identified in consultation with Services, which total - **£2.196m** and **£1.235m** in 2022/23 and 2023/24 respectively. A number of items only include adjustments for 2022/23 at this stage as Officers are currently reviewing potential options / alternatives with the aim of ‘avoiding’ similar costs in 2023/24 and beyond where possible.

For 2022/23, this section effectively replaces **Appendix H** that is usually included as part of these quarterly reports, with the aim of responding to estimated outturn variances rather than potentially just the in-year position as at the end of September 2022.

- **Section 3** – This set out the proposals to fund the items identified in Sections 1 and 2 above, which total - **£3.389m** and **£4.079m** in 2022/23 and 2023/24 respectively.

As set out within the appendix, the funding proposals include a mix of refocusing a number of existing budgets and reserves, along with increases in income in a limited number of areas of the budget.

In terms of increases to income, the most significant item relates to investment income, which reflects the forecast increases in interest rates. Another key item to mention is the use of the Corporate Investment Plan Reserve of **£1.433m** in 2023/24 - this adjustment reduces this ‘reserve’ to nil, so there is currently no money available to invest in future projects from this ‘reserve’ at this stage.

One of the elements also set out within this section are carry forwards. Following a review highlighted as part of the outturn for 2021/22, a number of items were either withdrawn by Services, or were subsequently not agreed, resulting in **£0.337m** being ‘released’ to support the financial position in 2022/23. The approval of the carry forwards were delegated to the Portfolio Holder for Corporate Finance and Governance and therefore subject to a separate decision.

- **Section 4** – This section sets out a number of items that can be funded from associated and specific budgets and / or income from fees and charges. In terms of fees and charges income, this is forecast to be from underlying increases rather than increases in the actual fee charged, which are separate decisions undertaken later on in the budget setting process.

This section also recognises the increase in capital projects given the volatility in the market at the present time. After the two adjustments proposed, **£1.192m** of unused capital receipts would remain available to support potential increases in other capital projects that the Council is currently delivering.

A significant level of volatility also remains within the energy markets. It is therefore proposed to underwrite this risk in 2022/23 by using the existing Contingency Budget of **£0.574m**. For 2023/24, a separate item of **£0.600m** is included within Section 2 of **Appendix 1A**.

It is acknowledged that by refocusing existing budgets / reserves there is an opportunity cost in terms of projects that could otherwise have been undertaken. However, the Council is faced with significant financial challenges in the short term, which it has to respond to, but in turn, it will provide resilience and flexibility to look ahead to 2024/25 and beyond with the aim of protecting as many front lines services as possible.

Commentary from the Government indicates that they will not necessarily be supporting Local Councils through these difficult times as they expect them to turn to existing reserves to manage their way through the short term financial challenges. The approach set out above therefore broadly reflects this expected response.

In terms of 2022/23, the recommendations set out above are seeking agreement to the budget adjustments set out within **Appendix 1A**. In respect of 2023/24, the recommendations are seeking initial approval for the inclusion of the proposed budget adjustments within the forecast that will remain 'live', with the next key milestone being the finalisation of the detailed estimates that will be presented to Cabinet in December 2022.

SECTION 2 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF THE SECOND QUARTER OF 2022/23

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2022.

Although proposed budget adjustments are highlighted within the section above to respond to emerging issues, the detailed position at the end of September 2022 is set out within **Appendix 2**, with some additional comments included below against the six key areas of the budget where necessary:

1. GENERAL FUND REVENUE

The position to the end of September 2022, as set out in more detail in the Executive Summary attached.

Apart from the proposed adjustments set out within **Appendix 1A** (which effectively replaces the adjustments that are usually set out in Appendix H of these quarterly reports), the remaining variance is primarily due to the timing of expenditure and income, one example being COVID related funding that is returnable to the Government once the associated reconciliation process has been completed. The position will remain under review and where necessary, further budget adjustments may be required at the end of Q3.

One of the key parts of the budget that remains under on-going review is the financial performance of the Council's Careline Service. As reported earlier in the year, although the future financial sustainability of the Service is likely to involve a mix of fees and charges and increased demand, there is a short term risk of delivering the service within budget. This risk is being 'underwritten' by the use of an existing reserve of **£0.221m**.

Although the Service remains committed to delivering the Service within budget, supported by this reserve in the short term, they are exploring potential sources of external income to support the overall net position. A further update will be provided as part of future financial performance reports.

2. COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix 2E**.

Collection performance continues to return to pre-Covid levels across the main income streams, with any necessary recovery action continuing going forward.

3. HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix 2C**. At the end of September 2022.

As previously reported, the Service remains committed to returning void performance to the historic level of 2%, which builds on the success from 2021/22. This will also have a positive knock on impact on the council tax payable on empty properties.

Work remains in progress on updating the HRA 30 year Business Plan, with further updates therefore planned to be reported to Cabinet later in the year.

4. CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix 2D**.

As at the end of September 2022, the programme is broadly on target against the profiled position.

A key risk that was highlighted earlier in this report relates to the potential increases in project costs given the on-going volatility in the market. It is therefore proposed to underwrite this risk via the use of uncommitted capital receipts, which currently total **£1.192m** as set out in **Appendix 1A**. If additional costs arise and there is a need to use capital receipts, this would be subject to further decisions / separate reports as necessary.

5. CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

The overall position is set out in **Appendix 2D**.

As at the end of September 2022 the programme is broadly on target against the profiled position.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings along with the project to construct flexible workspaces in Jaywick Sands. There are no specific issues to highlight at this stage and the expectation is that expenditure / commitments will be broadly in line with the budget over the course of the year as work is progressed and procurement processes completed.

6. TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

The Annual Capital and Treasury Strategy for 2022/23 (including the Prudential and Treasury Indicators) was approved at full Council on 29 March 2022. In accordance with Financial Procedure Rules this strategy and associated activity have been subject to a half yearly review with the outcomes set out below, which also reflects additional commentary from the Council's treasury advisors.

Given recent and continuing volatility, both political and economic, it is difficult to forecast / reflect on possible changes looking ahead to the second half of 2022/23 and beyond.

However, in terms of investments, higher interest rates are likely to continue, which is common across most of the major global economies. As highlighted within **Appendix 2F**, investment income is therefore ahead of the profile by **£0.391m** at the end of September. Based on current forecasts and an on-going environment of higher interest rates, increased investment income is expected to continue, with additional amounts therefore reflected in **Appendix 1A** for both 2022/23 and 2023/24.

Inflation continues at levels well in excess of the Bank of England's target rate of 2%, with forecasts indicating that this position will gradually 'unwind' over the next few years. This will therefore have a major impact on the Council's financial position for 2022/23 and ongoing into 2023/24 beyond, which have been reflected in the forecast set out in the next Section of this report and the figures included in **Appendix 1A**.

Unfortunately, during 2022/23 there have been two occasions where levels set out within treasury management practices were exceeded and both in relation to the balances held overnight with our bankers Lloyds. The first occasion was on 24 June, when the balance was £1,073,576.54 against a £1.000m limit. This arose because we were told to expect a payment of just over £130,000 that would arrive into the account on 27 June, but instead it arrived late in the day on 24 June, so there was no time to make the necessary transfer to an alternative account / investment. This was therefore contrary to the information provided and so could not have been predicted by the treasury team.

The second occasion was on 2 August, when the balance was £1,006,563.15 against the £1.000m limit. This arose due to the unexpected receipt late in the day of a payment from a developer for Section 106 monies of £176,644.21. Although Planning inform Finance of when they bill section 106 payments, in practice they are rarely received on the day expected, which was the case in this instance.

To resolve both of the above issues, additional 'headroom' will be provided against the relevant current accounts held with Lloyds Bank to enable money to be received into the accounts without the risk of exceeding the treasury limit of £1m.

Additionally, due to human error, when two Money Market Funds were set up in December 2020, because they were both AAA rated the limit on each was taken to be £4 million, so a total of £8 million. However, it has now been established that the Council's treasury management policies have a separate category for Money Market Funds with the limit set at £2 million per Fund, so a total of £4 million. As soon as this was established in August, the amount held in each Fund was reduced to not more than £2 million. The Money Market Funds were set up initially to allow for greater liquidity due to the uncertainties around the Covid pandemic, grant payments received and the need to repay overpaid sums at unknown times. The Council's cash flow is now more certain and predictable.

In terms of the issues set out above, at no time was the Council's money at any greater risk given the relatively low risk tolerance taken to treasury management activities that is reflected within the treasury management practices.

In addition to the above and similarly to previous years, the closure / availability of Officers over the Christmas and New Year 2023 period, means that daily treasury management actions will not be able to be undertaken for a short period. Despite planning to maintain additional headroom across the Council's current accounts as highlighted above, significant council tax and non-domestic rates payments are expected during the Christmas closedown period and along with other income, the current **£1.000m** limit that can be placed overnight with the Council's current account bankers is likely to be exceeded. Accordingly, it is requested that the limit be temporarily increased to **£1.500m** for this period. Officers will monitor the wider market conditions / intelligence and will only place money up to this revised limit if there are no adverse indicators around Lloyds bank that would increase risks. During the year, Lloyds Bank has not seen a decline in terms of their overall ratings from the main rating agencies, therefore the proposed approach set out above continues to be considered as a reasonable action to take.

SECTION 3 – UPDATED LONG TERM FORECAST

As highlighted earlier and as set out in Appendix 1A, the currently estimated budget 'gap' for 2023/24 is **£4.079m**.

Given the current global / national challenges, the forecast is significantly different to the position reported as part of developing the budget for 2022/23.

Appendix 3A sets out the revised forecast covering the period 2023/24 to 2026/27 with commentary set out below against each line of the forecast. **Appendix 3B** sets out further details relating to the RAG rating for each line of the forecast.

Line of the Forecast	RAG Rating	Figure Included for 2023/24	Comments
Line 1 - Council Tax Increase 1.99%		(£0.181m)	Additional income generated from a 1.99% increase on the current Band D amount – from £182.64 to £186.27 per annum.
Line 2 - Council Tax Increased by £5 (over and above the 1.99% increase above)		(£0.068m)	Additional income generated from increasing the Band D council tax to £187.64 (additional income over and above the increase to £186.27 above).
Line 3 - Growth In Business Rates – Inflation		(£0.134m)	The CPI percentage in September is usually used to inform the increase in Business Rates for the following year. However given the current level of CPI is in excess of 10%, it is assumed that the Government will 'cap' a lower increase –

			at the present time this has been estimated at 3%.
Line 4 - Growth in the Council Tax Base		(£0.217m)	Although a number of factors influence this calculation, a primary factor is the general increase in property numbers. The estimated housing growth as set out in the Local Plan is usually used as the starting point, with additional calculations undertaken during later stages of developing the budget. However, these more detailed calculations have now been finalised which set out an increase in the 'property' base of 1,158, which has enabled additional income to be included within the forecast.
Line 5 - Growth in the Business Rates Base		(£0.031m)	Work remains in progress to finalise the estimate for this line of the forecast. At the present time, only modest growth has been included which is based on the Council keeping 20% of any additional income generated over a 'baseline' amount that reflects the current business rates retention 'rules'.
Lines 6 and 7 - Collection Fund Surpluses (Council Tax and Business Rates) b/fwd		(£0.100m)	Similarly to Line 5 above, work remains in progress to finalise the respective collection fund balances for Council Tax and Business Rates. At the present time the usual assumption of achieving a surplus of £0.100m remains in place, which will be updated as the budget progresses over the coming weeks.
Line 8 - Reduction in RSG		£1.020m	Based on comments emerging from the Government over recent weeks, a favourable financial settlement from the Government is not expected. Although the Government will make final announcements in December, at this stage no general Government support has been included in the forecast.
Line 9 - Remove one-off items from prior year		(£0.352m)	A number of posts were funded on a one-off basis in 2022/23, which have now been removed from the budget.
Line 10 - Remove one-off items from prior year		(£3.192m)	This relates to a 'technical' adjustment in respect of the removal of the net collection fund deficit in 2022/23, which

- collection fund surplus			was largely funded from an associated reserve – see reserves adjustment below.
Line 11 - Impact of PFH WP Savings		(£0.000m)	There are no longer any associated changes to this historic initiative so this line of the forecast will be removed in future years.
Line 12 - LCTS Grant to Parish Councils		(£0.037m)	This reflects the knock on impact from the adjustment set out in Line 8 above where no revenue support can be 'passported' onto Town and Parish where the Council's is not in receipt of such support itself.
Line 13 - Revenue Contrib. to the Capital Programme		(£0.012m)	This small change reflects the removal from the Capital Programme of a one-off scheme in 2022/23.
Line 14 - Specific Change in Use of Reserves		£3.233m	This primarily relates to the business rates collection fund issue mentioned above where a Government grant was carried forward via reserves to meet the timing of when the collection fund deficit is recognised in the accounts. This adjustment also reflects the removal of the pension fund deficit contribution that was previously funded from the Building for the Future Reserve, as it is no longer required following the most recent pension triennial review.
Line 15 - On-going Savings Required		(£0.450m)	This reflects the savings 'allowance' that is included within the 'base' position. This amount has already been exceeded following the adjustment set out within Appendix 1A .
Line 16 - Other Adjustments		£0.000m	No necessary adjustments are included at the present time.
Line 17 - Inflation – Employee Costs		£2.031m	The figure included within the forecast reflects not only the expected 'rebased' position in 2022/23 that is emerging from current pay negotiations (approx. 5%), but also a further inflationary increase of 4% for 2023/24.
Line 18 - Inflation – Other		£0.903m	Similarly to employees costs above, the figure currently included in the forecast

			reflects a rebased position for 2022/23 along with a further inflationary increases in 2023/24. Contracts linked to RPI such as the waste and recycling contract could see increase in excess of 10% based on the current rate of inflation.
Line 19 - Unavoidable Cost Pressures / Corporate Investment Plan Items		£1.235m	These adjustments are itemised in Section 2 of Appendix 1A .
Add back the one-off use of the Forecast Risk Fund from last year		£0.431m	
Total of all of the above items		£4.079m	The proposed approach to funding this budget 'gap' is set out in Section 4 of Appendix 1A, which is primarily based on refocusing existing budgets / reserves on a one-off basis.

Although the above position reflects a reasonable estimate across the various lines of the forecast, some figures will be subject to change as part of the development of the budget over the coming weeks. Some elements are likely to be more favourable, such as income from business rates and the collection fund surplus, but others may offset any financial benefits from these increases if additional costs emerge in 2023/24.

As discussed previously, the figures in future years are greatly influenced by the 'telescopic' effect of changes made to the forecast over time.

The forward projection of inflation remains very challenging given the volatility in the economy, but based upon current projections, the level of inflation should start to 'unwind' over the next two to three years, which is reflected in the later years of the forecast where necessary.

As set out in the report to Cabinet on 7 October 2022, zero based budgeting was planned to be further developed during 2022/23. The key principles behind zero based budgeting will play a key role going forward and will form part of developing the forecast. However, it is recognised that the immediacy of the financial challenge the Council faces will influence the impact this approach will have in the short term.

Appendix 3A also sets out the estimated use of the Forecast Risk Fund. By refocusing existing budgets / reserves in 2023/24, a balance would remain within the forecast risk fund to support the position in 2024/25 (but with only very limited balances in 2025/26 and 2026/27).

As previously discussed, it is recognised that the use of reserves to balance the budget is not sustainable in the long term. However, by balancing the use of existing budgets /

reserves along with the use of available Forecast Risk Fund, it provides the necessary time to explore options to deliver the required on-going savings from 2024/25, which was part of the flexibility that the longer term approach to the forecast was intended to deliver.

In terms of the on-going savings required to deliver financial sustainability going forward, these are set out within Line 15 of Appendix 3A and total **£1.150m** in 2024/25, rising to **£4.250m** in 2025/26 before falling back to the underlying longer term target of **£0.450m** in 2026/27. The scale of the savings are significant and will present a major challenge for the Council. It is important to highlight that the savings need to be broadly secured before the start of the relevant year, which means that a framework to explore and identify potential options will need to be underway as early as possible in 2023. Work will therefore need to commence on this major piece of work shortly.

In terms of future cost pressures, the **£0.250m** 'allowance' within later years of the forecast remains modest and will be kept under review as part of developing Corporate Investment Plan in 2023.

The forecast does not reflect the Governments intended comprehensive spending review, as it is not clear when this will be undertaken. However, the forecast will be updated as necessary once additional information is announced by the Government.

As highlighted in the report to Cabinet on 7 October 2022, the Council planned to review the long term financial plan in 2023, but given the issues highlighted above, this will now need to be considered against a very different financial background to that originally expected during the earlier years of the forecast.

In-line with previous years, the benefit from remaining a member of the Essex Business Rates Pool has not been reflected in the forecast at this stage. However, in consultation with other Essex Authorities, it is proposed to continue with the pool in 2023/24.

Risk Assessment

Given the inherent risks to the forecast, a risk assessment of each line of the forecast is maintained as set out in **Appendix 3B**.

Further details are provided in respect of each line of the forecast above where the current RAG rating has been highlighted.

Delivering a positive outturn position each year

The long term forecast has to date been based on achieving in-year savings of **£500k**. This has been revised down to **£250k** to reflect the revised approach where savings are identified and applied during the year that in principle should therefore reduce the availability of any favourable variance at the end of the year. This will inevitably have a knock on impact on the level of savings required each year, which will in effect need to be higher to 'bridge' the 'gap' that this change results in.

In previous years the Council has refrained from using one-off money and reserves to support the on-going budget. Given the scale of the financial challenge faced by the Council, this principle can no longer be applied. As highlighted earlier, the long term approach to the forecast does enable the flexibility and time to consider the longer term planned and savings that will be required in a more informed way rather than having to potentially taking quick / short term decisions.

Sensitivity Testing

Work remains in progress to update the usual sensitivity testing approach, with the outcome planned to be presented in reports later in the year as part of the development of the budget for consideration by Full Council in February 2023.

Housing Revenue Account

Some of the challenges set out above that relate to the General Fund will have an equally challenging impact on the HRA - one such example being inflation.

Following guidance from the Social Housing Regulator, rent increases are usually based on CPI plus 1%. However, due to the high level of CPI at the moment, the Government are consulting on 'capping' the increase at a lower level than the current CPI rate of just over 10%. Although delivering lower levels of rent increases is understandable given the current cost of living challenges faced by tenants, the Council's own costs will still be increasing at a much higher rate, which will need to be considered in the longer term as part of the HRA business plan.

The development of the HRA 30 year business plan remains in progress and will be reported to Cabinet in December where issues such as those set out above will be addressed. The business plan will also need to consider the use of HRA balances in the short term along with the potential use of capital receipts for projects such as the redevelopment of Honeycroft, which would be instead of obtaining loan financing that has previously been discussed. Any use of capital receipts will have a knock on impact in terms of future opportunity costs but this can be revisited as part of the development of the forecast and the 30 year HRA Business Plan looking ahead.

As part of developing the HRA Business Plan, the use of borrowing will also be revisited along with the potential to use internal borrowing to 'replace' existing HRA loans given the higher cost of external borrowing at the moment.

PREVIOUS RELEVANT DECISIONS

Outturn Report 2021/22 – Item A.6 Cabinet 15 July 2022

Corporate Investment Plan Report – Item A.3 Cabinet 25 March 2022

Finance Update Report – General Update 2022/23 and 2023/24 – Item A.2 Cabinet 7 October 2022

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

RELATING TO SECTION 1 OF THE REPORT

Appendix 1A – Cost Increases / Corporate Investment Plan Items 2022/23 and 2023/24

RELATING TO SECTION 2 OF THE REPORT

Appendix 2 - Front Cover and Executive Summary
 Appendix 2A – Summary by Portfolio / Committee
 Appendix 2B – General Fund Budget Position by Department
 Appendix 2C – Housing Revenue Account Budget Position
 Appendix 2D – Capital Programme
 Appendix 2E – Collection Performance – Council Tax, Business Rates, Housing Rent and
 General Debts
 Appendix 2F – Treasury Activity
 Appendix 2G – Income from S106 Agreements

RELATING TO SECTION 3 OF THE REPORT

Appendix 3A – Updated Long Term Financial Forecast
 Appendix 3B – Risk Analysis of Each Line of the Forecast

REPORT CONTACT OFFICER(S)	
Name	Richard Barrett
Job Title	Assistant Director (Finance and IT)
Email/Telephone	rbarrett@tendringdc.gov.uk (01255) 686521

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Cost Increases / Corporate Investment Plan Items- 2022/23 and 2023/24

Description	2022/23 £	2023/24 £	Comments
1. GENERAL / CORPORATE ITEMS			
Employee Cost Inflation	863,900	2,031,000	This adjustment reflects the likely pay award agreed for 2022/23 and a further inflationary increase of 4% in 2023/24.
Waste & Street Cleaning Contract Inflation	329,500	881,000	Increases in contract costs are linked to inflation, which could be as high as 13% to 14% when the next annual uplift is applied (January / February 2023).
Business Rates payable on the Council's Own Properties	0	22,000	Increases are linked to the prevailing CPI rate. The current increase applied is 3% in 2023/24, which reflects a similar Government intervention in previous years where they effectively 'cap' the percentage increase, especially given the current CPI rate.
General Underlying changes in the Forecast	0	(90,000)	This reflects the sum of other lines within the forecast.
Total General / Corporate Items	1,193,400	2,844,000	

Description	2022/23 £	2023/24 £	Comments
2. GENERAL OPERATIONAL ITEMS			
Crematorium - Loss of Income	740,000	0	This reflects the estimated net position following the crematorium remaining non-operational for the first half of 2022/23. The Cremators are now operational with income expected to return to previous levels over time.
Weeley Council Offices	60,000	50,000	A number of costs remain payable until the property is disposed off and liability for costs of ownership cease.
Skyguard Subscriptions - Lone worker safety devices	25,000	0	A number of additional devices have been required to reflect current working practices. No costs have been included in 2023/24 at the present time as a review will be undertaken to see if there are any alternative options
Print Unit - Net Costs	35,000	0	This reflects the on-going impact identified as part of the outturn for 2021/22. The Service are working towards achieving a break even position to mitigate this cost from 2023/24.
Street Cleansing	96,000	0	This reflects increased beach / town centre cleaning. The position for 2023/24 is under review to identify alternative options.
Office Transformation Project	130,000	0	Additional costs are expected in 2022/23 to finalise this major project.
Careline - VAT Payable	100,000	0	An additional payment of VAT is due to be paid to HMRC following the incorrect VAT indicator being applied to associated fees and charges.
Career Track - Net Costs	45,000	0	Although the Service remains committed to progressing towards a break even position, there is like to be a higher net cost than currently budgeted for in the short term.
Carnarvon House	60,000	0	Costs continue to be incurred until such time as the property is demolished.
Air Show	47,970	0	Additional costs are being incurred that reflect the use of the in-house Engineering Team to support the delivery of the annual show in 2022. The position is under review for the 2023 event.

Description	2022/23 £	2023/24 £	Comments
Insurance Premiums	55,000	110,000	Based on current market conditions, increases in the Council's insurance premium portfolio are expected in both 2022/23 and 2023/24.
Waste and Recycling Bins and Boxes	0	20,000	Additional costs for 2022/23 were agreed by Cabinet at its 7 October meeting. The figure included for 2023/24 reflects the underlying need to supply bins / boxes to new properties within the district - this amount will therefore be an on-going item in the base budget.
Leisure Centre - Net Costs	150,000	150,000	Over recent years the net costs across the various Leisure Centres have been in excess of the base budget. As part of the emerging Leisure Strategy, opportunities to increase income will be explored but it is likely that it will take time to improve the net position when compared to the underlying base budget. The figures included therefore reflect the estimated impact in the shorter term.
Transport - Diesel Costs	27,700	27,700	The Government have restricted the use of red diesel, with this cost reflecting the necessary move across to 'regular' diesel, which is more expensive.
Transport - General Fuel Costs	20,000	20,000	In addition to the item above, the figures included reflect the general increase in fuel costs currently being experienced. Although the adjustment will be on an on-going basis, the position will be kept under review as part of future financial performance / budget reports.
External Audit Fees	25,000	25,000	This reflects expected increases from 2022/23. Following a retender of the External Auditor Contract by PSAA Ltd, it has been suggested that Council's should expect to see increases close to 150% from 2024/25 - this will therefore be kept under review as part of developing the forecast in future years.
Homelessness Costs	450,000	150,000	This reflects the current demand for temporary accommodation. The Service is committed to exploring options to reduce costs along with the use of any available Government Funding going forward.
Legal Costs - Benefit Fraud Case	35,000	0	This reflects the additional one-off costs incurred in pursuing fraud cases.

Description	2022/23 £	2023/24 £	Comments
Replacement HR / Payroll System	55,000	9,500	The system referred to 'expires' shortly with a replacement system therefore required.
Credit / Debit Card Payments System	26,000	19,500	This project was included within the potential phase 3 IT projects presented to Cabinet in March 2022. A replacement system is required to keep pace with Payment Card Industry Data Security Standards (PCIDSS).
Contact Centre IT System - Increased Lines / Licences	13,000	13,000	This forms part of the project included within the potential phase 3 IT projects presented to Cabinet in March 2022, and will enable the Council to maintain adequate 'front line' capacity within the Contact Centre.
Northgate IT System Replacement	0	40,000	The current contract for the primary IT system used by Revenues and Benefits and Housing 'expires' at the end of 2022/23. A replacement system / new contract is therefore necessary from 1 April 2023 and Officers are currently working with the current supplier to identify the options available.
Increase in Energy Costs	0	600,000	To reflect the potential on-going impact of energy price increases. A similar adjustment for 2022/23 is included within Section 4 below.
Total General Operational Items	2,195,670	1,234,700	
TOTAL OF SECTIONS 1 AND 2 ABOVE	3,389,070	4,078,700	

Description	2022/23 £	2023/24 £	Comments
3. Proposed Approach to Funding the items in Section 1 and 2 Above (on a one-off basis in 2022/23 and 2023/24)			
Carry Forwards 2021/22 Withdrawn / Not Approved	(336,980)	0	Following a review by the Portfolio for Corporate Finance and Governance, in consultation with Services, a number of items originally requested by Services have not been agreed or have been withdrawn.
Draw down remaining balance on the Crematorium Reserve	(154,252)	0	This reflects the use of the remaining amount held in this reserve which helps offset the net loss of income highlighted above.
Savings - (for 2023/24 this is the amount over and above the £450k 'allowance' already included in the Forecast)	(609,000)	(201,598)	This adjustment primarily reflects increased investment income in both years, following recent / projected increases in interest rates.
Council Tax Sharing Agreement - income recovery	(222,230)	0	This largely reflects deferred income during COVID, with income now recovering back. However no changes are included for 2023/24 at this stage as the agreement remains under review by ECC.
Increased Parking Income	(40,000)	(40,000)	This reflects achievable income over and above the adjustment in section 4 below.
Increased Recycling Credit income	(25,000)	(25,000)	This reflects the annual increase in the 'poundage' rate rather than an increase in recycle at the present time.
Vacancy Provision	(100,000)	0	This reflects accrued vacancies including the on-going difficulties in recruiting to a number of posts across the Council.
Balance of Back 2 Business 'Reserve'	(217,608)	(39,392)	This is the remaining / uncommitted balance held within this reserve
Reduce the Garden Communities Budget	(500,000)	0	The current budget supporting this project is £1.3m. Based on the current project delivery approach, it is felt reasonable to reduce this by £500k to £800k
Balance of Corporate Investment Plan 'Reserve'	0	(1,433,000)	This is the remaining / uncommitted balance held within this reserve. There would be no money remaining in this reserve to support further projects at the present time.
Remove Rural and Urban Infrastructure Fund Budget	(1,184,000)	0	Its proposed to 'redirect' this budget to support to wider financial challenge faced by the Council.

Description	2022/23 £	2023/24 £	Comments
Draw down money held in the Building for the Future Reserve		(2,339,710)	This reserve has historically been used to fund upfront pension fund deficit payments that generate on-going revenue savings. It is currently expected that following the latest triennial review, no deficit payments will be required for 2023/24, 2024/25 and 2025/26. This reserve therefore becomes available to support the overall financial position in 2022/23 and 2023/24, but in the knowledge that it will therefore not be available if pension deficit payments arise in the future, which would have to be met from within the underlying budget.
Total Funding Identified	(3,389,070)	(4,078,700)	
NET TOTAL of SECTIONS 1,2 and 3 Above	0	0	Representing a balanced position for both 2022/23 and 2023/24

Description	2022/23 £	2023/24 £	Comments
4. Additional Items that can be Funded From Specific Existing Budgets / Fees and Charges			
Council tax court costs income reduced	200,000	100,000	This primary reflects deferred income as recovery action continues to recover from the COVID 19 period.
Track and Trace Grant Scheme Reconciliation Payment	19,910	0	Additional grant funding was repayable to the Government over and above the amount initially calculated as part of the outturn position for 2021/22.
Use of COVID 19 New Burdens Grant to fund above	(219,910)	(100,000)	It is proposed to use the money made available by the Government to support the two items above, which fall within the scope of recovering from the COVID 19 pandemic.
Estimated increase in capital cost of the new artificial pitch at Clacton Leisure Centre	135,000	0	It is proposed to use capital receipts to support the estimated increase in cost of these two schemes. £1.192m would remain in the useable capital receipts' reserve' after allowing for this budget adjustment.
Estimated increase in capital cost of the new skate park at Clacton Leisure Centre	50,000	0	
Use of Capital Receipts	(185,000)	0	
Increase in Parking Merchant Acquirer Fees	50,000	36,000	This reflects the cost of taking card payments as an alternative to cash payments, which can be met from increased income.
Increased parking income being achieved	(50,000)	(36,000)	
Increase in Energy Costs	574,000	0	This adjustment reflects the potential increase in energy costs in 2022/23. As there would be no money remaining within the contingency budget after this adjustment, the potential impact in 2023/24 is included in Section 2 above.
Use of Contingency Budget to 'underwrite' increase in the utility costs above	(574,000)	0	
Total of Additional Items in Section 4 Above	0	0	

Tendring District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix 2A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix 2B	An analysis by Department of all General Fund Revenue budgets.
Appendix 2C	An analysis of Housing Revenue Account Revenue budgets.
Appendix 2D	The position to date for General Fund and HRA capital projects.
Appendix 2E	Collection Performance
Appendix 2F	Treasury activity.
Appendix 2G	Income from S106 Agreements.

Financial Performance Report In-Year Performance as at end of:

September 2022

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of September 2022

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(26,497,920)	(5,830,990)	(17,534,582)	(11,703,592)
Operations and Delivery	13,084,670	3,855,019	4,877,344	1,022,325
Place and Economy	13,413,250	1,110,244	831,324	(278,921)
Total General Fund	0	(865,727)	(11,825,915)	(10,960,188)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(4,619,701)	(4,871,254)	(251,553)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	16,054,770	2,621,135	1,544,476	(1,076,659)
Housing Revenue Account	10,389,400	2,991,075	2,935,260	(55,815)
Total Capital	26,444,170	5,612,210	4,479,736	(1,132,474)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	53.77%
Business Rates	67.25%
Housing Rents	96.39%
General Debt	86.89%

Treasury

	£'000
Total External Borrowing	35,410
Total Investments	90,710

Revenue Budget Position at the end of September 2022

General Fund Portfolio / Committee Summary

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £
Leader	4,337,000	651,215	533,451	(117,764)
Corporate Finance and Governance	1,894,860	(1,940,538)	(12,911,926)	(10,971,388)
Environment and Public Space	8,300,010	2,111,721	2,916,400	804,679
Housing	4,546,870	2,527,172	2,484,237	(42,936)
Partnerships	1,804,310	(206,635)	(163,680)	42,955
Business and Economic Growth	5,399,270	243,900	196,113	(47,787)
Leisure and Tourism	6,516,770	645,765	446,281	(199,484)
Budgets Relating to Non Executive Functions	733,560	129,285	111,527	(17,758)
	33,532,650	4,161,885	(6,387,597)	(10,549,482)
Revenue Support for Capital Investment	4,860,050	0	0	0
Financing Items	(7,387,490)	6,636	(403,653)	(410,289)
Budget Before use of Reserves	31,005,210	4,168,521	(6,791,250)	(10,959,771)
Contribution to / (from) earmarked reserves	(21,607,470)	0	0	0
Total Net Budget	9,397,740	4,168,521	(6,791,250)	(10,959,771)
Funding:				
Business Rates Income	(3,032,660)	(1,842,825)	(1,842,827)	(2)
Revenue Support Grant	(444,210)	(230,988)	(231,406)	(418)
Collection Fund Surplus	3,191,440	1,595,720	1,595,720	0
Income from Council Tax Payers	(9,112,310)	(4,556,155)	(4,556,152)	3
Total	0	(865,727)	(11,825,915)	(10,960,188)

Revenue Budget Position at the end of September 2022

HRA Portfolio Summary

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £
Housing	(1,813,050)	(4,619,701)	(4,871,254)	(251,553)
	(1,813,050)	(4,619,701)	(4,871,254)	(251,553)
Revenue Support for Capital Investment	613,630	0	0	0
Financing Items	1,199,420	0	0	0
Budget Before use of Reserves	0	(4,619,701)	(4,871,254)	(251,553)
Total	0	(4,619,701)	(4,871,254)	(251,553)

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2022

Department - Chief Executive, Finance, IT and Governance

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	11,229,510	3,813,441	3,644,118	(169,323)	
Premises Related Expenditure	458,630	178,660	165,432	(13,228)	
Transport Related Expenditure	101,250	54,135	44,716	(9,419)	
Supplies & Services	20,882,850	12,114,252	1,684,616	(10,429,636)	
Third Party Payments	79,910	30,000	30,000	0	
Transfer Payments	46,539,280	23,870,075	23,465,812	(404,263)	
Interest Payments	10,510	3,600	3,495	(105)	
Total Direct Expenditure	79,301,940	40,064,163	29,038,189	(11,025,974)	
Direct Income					
Government Grants	(64,158,050)	(38,646,265)	(38,806,236)	(159,971)	
Other Grants, Reimbursements and Contributions	(2,076,390)	(1,487,284)	(1,590,947)	(103,663)	
Sales, Fees and Charges	(1,296,310)	(554,575)	(577,921)	(23,346)	
Rents Receivable	(3,800)	(1,865)	(365)	1,500	
Interest Receivable	(306,690)	(170,916)	(561,353)	(390,437)	
RSG, Business Rates and Council Tax	(9,397,740)	(5,034,248)	(5,034,665)	(417)	
Total Direct Income	(77,238,980)	(45,895,153)	(46,571,487)	(676,334)	
Net Direct Costs	2,062,960	(5,830,990)	(17,533,298)	(11,702,308)	
Net Indirect Costs	(6,953,410)	0	(1,284)	(1,284)	
Net Contribution to/(from) Reserves	(21,607,470)	0	0	0	
Total for Chief Executive, Finance, IT and Governance	(26,497,920)	(5,830,990)	(17,534,582)	(11,703,592)	

Department - Chief Executive, Finance, IT and Governance

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	33,530	147,070	112,587	(34,483)	
Total for Finance and IT Management and Administration	0	48,725	51,452	2,727	
Total for Finance	92,330	630,035	641,017	10,982	
Total for Finance - Other Corporate Costs	1,028,610	(4,992,521)	(16,393,672)	(11,401,151)	
Total for Finance - Financing Items	(24,664,390)	171,122	147,013	(24,109)	
Total for Finance - RSG, Business Rates and Council Tax	(9,397,740)	(5,034,248)	(5,034,665)	(417)	
Total for Revenues and Benefits	2,407,750	1,214,360	899,156	(315,204)	
Total for IT, Emergency Planning and Business Continuity	302,040	854,515	829,770	(24,745)	
Total for Governance Management and Administration	0	54,500	53,444	(1,056)	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Total for Legal	40,060	163,970	143,695	(20,275)	
Total for Democratic Services	1,540,730	536,925	540,003	3,078	
Total for Partnerships Management and Administration	0	42,210	43,987	1,777	
Total for HR and OD	264,130	246,285	272,026	25,741	
Total for Community Partnerships	1,064,410	(611,095)	(570,252)	40,843	
Total for Communications	0	38,630	38,994	364	
Total for Customer and Commercial	790,620	658,527	690,862	32,335	
Total for Chief Executive, Finance, IT and Governance	(26,497,920)	(5,830,990)	(17,534,582)	(11,703,592)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2022

Department - Operations and Delivery

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	6,804,890	3,248,075	3,217,648	(30,427)	
Premises Related Expenditure	2,230,670	1,168,940	1,236,486	67,546	
Transport Related Expenditure	549,470	261,519	399,027	137,508	
Supplies & Services	2,357,070	1,040,562	1,509,382	468,820	
Third Party Payments	5,755,590	1,923,474	1,998,070	74,596	
Transfer Payments	247,600	123,800	339,186	215,386	
Total Direct Expenditure	17,945,290	7,766,369	8,699,799	933,430	
Direct Income					
Government Grants	(940,510)	(793,960)	(803,907)	(9,947)	
Other Grants, Reimbursements and Contributions	(1,523,270)	(396,710)	(371,193)	25,517	
Sales, Fees and Charges	(3,760,920)	(2,194,591)	(2,132,566)	62,025	
Rents Receivable	(208,580)	(135,045)	(116,338)	18,707	
Direct Internal Income	(1,084,670)	(379,925)	(396,731)	(16,806)	
Total Direct Income	(7,517,950)	(3,900,231)	(3,820,735)	79,496	
Net Direct Costs	10,427,340	3,866,139	4,879,064	1,012,925	
Net Indirect Costs	2,657,330	(11,120)	(1,721)	9,399	
Total for Operations and Delivery	13,084,670	3,855,019	4,877,344	1,022,325	

Department - Operations and Delivery

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	(35,980)	114,200	145,035	30,835	
Total for Building and Public Realm Management and Administration	0	39,540	42,161	2,621	
Total for Building and Surveyors	14,900	737,205	821,796	84,591	
Total for Engineering	2,915,230	457,530	304,851	(152,679)	
Total for Public Realm	2,309,710	393,002	1,101,307	708,305	
Total for Waste Management	4,971,240	1,372,074	1,467,080	95,007	
Total for Assets	269,740	216,163	198,549	(17,614)	
Total for Housing and Environment Management and Administration	0	70,600	44,828	(25,772)	
Total for Housing and Homelessness	1,414,760	96,115	378,082	281,967	
Total for Environment Health Services	1,225,070	358,590	373,654	15,064	
Total for Operations and Delivery	13,084,670	3,855,019	4,877,344	1,022,325	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2022

Department - Place and Economy

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	5,099,470	2,560,823	2,508,030	(52,794)	
Premises Related Expenditure	1,009,010	675,008	673,636	(1,372)	
Transport Related Expenditure	44,930	22,529	12,674	(9,855)	
Supplies & Services	8,706,150	1,477,353	1,234,780	(242,573)	
Third Party Payments	45,870	22,500	17,686	(4,814)	
Total Direct Expenditure	14,905,430	4,758,213	4,446,806	(311,408)	
Direct Income					
Government Grants	(93,870)	(133,870)	(134,109)	(239)	
Other Grants, Reimbursements and Contributions	(103,940)	(97,940)	(38,632)	59,308	
Sales, Fees and Charges	(5,214,940)	(3,272,579)	(3,284,313)	(11,734)	
Rents Receivable	(235,710)	(143,580)	(158,428)	(14,848)	
Total Direct Income	(5,648,460)	(3,647,969)	(3,615,482)	32,487	
Net Direct Costs	9,256,970	1,110,244	831,324	(278,921)	
Net Indirect Costs	4,156,280	0	0	0	
Total for Place and Economy	13,413,250	1,110,244	831,324	(278,921)	

Department - Place and Economy

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	615,070	81,041	32,097	(48,944)	
Total for Planning Management and Administration	0	42,210	46,637	4,427	
Total for Development	1,341,950	325,650	380,615	54,965	
Total for Enforcement	563,240	9,025	12,878	3,853	
Total for Building Control	231,180	10,965	(62,809)	(73,774)	
Total for Economic Growth and Leisure Management and Administration	0	42,210	45,655	3,445	
Total for Economic Growth	3,755,160	299,955	224,946	(75,009)	
Total for Sport, Leisure, Tourism, Heritage and Culture	3,670,120	77,743	1,065	(76,678)	
Total for Local Plan and Place Shaping Management and Administration	0	41,325	48,348	7,023	
Total for Strategic Planning	747,850	117,855	45,240	(72,615)	
Total for Place	2,488,680	62,265	56,652	(5,613)	
Total for Place and Economy	13,413,250	1,110,244	831,324	(278,921)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2022

Housing Revenue Account

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	1,339,470	437,905	353,099	(84,806)	
Premises Related Expenditure	3,804,070	1,521,527	1,466,881	(54,645)	
Transport Related Expenditure	23,870	11,935	7,740	(4,195)	
Supplies & Services	581,120	214,225	134,784	(79,441)	
Third Party Payments	1,030	515	0	(515)	
Transfer Payments	17,000	8,500	21,249	12,749	
Interest Payments	1,305,510	369,569	369,767	198	
Total Direct Expenditure	7,072,070	2,564,175	2,353,521	(210,655)	
Direct Income					
Other Grants, Reimbursements and Contributions	(8,440)	(220)	(8,471)	(8,251)	
Sales, Fees and Charges	(559,850)	(303,227)	(351,342)	(48,115)	
Rents Receivable	(13,730,170)	(6,880,429)	(6,864,962)	15,467	
Interest Receivable	(13,350)	0	0	0	
Total Direct Income	(14,311,810)	(7,183,876)	(7,224,775)	(40,899)	
Net Direct Costs	(7,239,740)	(4,619,701)	(4,871,254)	(251,553)	
Net Indirect Costs	7,239,740	0	0	0	
Total for HRA	0	(4,619,701)	(4,871,254)	(251,553)	

Housing Revenue Account

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	1,813,050	0	0	0	
Total for Housing and Homelessness	(1,729,050)	(4,535,701)	(4,766,910)	(231,210)	
Total for Customer and Commercial	(84,000)	(84,000)	(104,343)	(20,343)	
Total for HRA	0	(4,619,701)	(4,871,254)	(251,553)	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2022

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Expenditure					
Business and Economic Growth Portfolio					
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	1,762,700	500,000	515,287	15,287	
Total for Business and Economic Growth Portfolio	1,805,950	500,000	515,287	15,287	
Corporate Finance and Governance Portfolio					
Information and Communications Technology Core Infrastructure	70,480	15,420	15,420	0	
Agresso e-procurement	84,000	0	0	0	
Enhanced Equipment replacement - Printing and Scanning	6,210	0	0	0	
Office Rationalisation	0	0	2,401	2,401	
Treadwheel Crane	29,390	23,180	31,880	8,700	
Carnarvon House Demolition	80,000	0	4,309	4,309	
Total for Corporate Finance and Governance Portfolio	270,080	38,600	54,010	15,410	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Environment and Public Space Portfolio					
Environmental Health Database Migration	5,250	0	0	0	
Laying Out Cemetery	141,240	0	3,950	3,950	
Bath House Meadow Security Measures	5,570	0	0	0	
Public Convenience Works	40,000	0	0	0	
Works at Halstead Road Play Area, Kirby	29,810	0	0	0	
Weeley Crematorium Works	1,539,140	1,539,140	482,246	(1,056,894)	
Works at Western Prom Play Area, Brightlingsea	62,000	62,000	62,000	0	
Changing Places Project	300,000	0	0	0	
School Road, Great Oakley - Playground Equipment	28,390	0	0	0	
Marine Parade, Clacton - Playground Equipment	80,000	0	0	0	
Foots Farm, Clacton - Playground Equipment	27,590	0	0	0	
Burrs Road, Clacton - Playground Equipment	25,350	0	0	0	
Total for Environment and Public Space Portfolio	2,284,340	1,601,140	548,196	(1,052,944)	
Housing Portfolio					
Careline - Replacement Telephone System	14,240	0	0	0	
Replacement Scan Stations	12,000	0	0	0	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Housing in Jaywick	404,730	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	(0)	0	0	
Disabled Facilities Grants	9,547,020	312,115	312,116	1	
Financial Assistance Grants	106,520	106,520	106,523	3	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
Total for Housing Portfolio	10,599,560	418,635	418,639	4	
Leisure and Tourism Portfolio					
Replacement of beach hut supports - The Walings	11,620	0	0	0	
CLC - Spa and Wetside Re-development	0	0	0	0	
CLC - Replacement of All Weather Pitch	667,730	0	373	373	
Clacton Skate Park Improvement Scheme	250,000	0	0	0	
CLC - Pool Cameras	36,510	36,510	32,500	(4,010)	
Theatre - Replacement Dress Circle Seats	34,830	0	0	0	
Seafronts - Beach Patrol Vehicles & Equipment	29,550	26,250	26,250	0	
New Beach Huts	64,600	0	0	0	
Clacton/Holland Cliff Stabilisation	0	0	(50,779)	(50,779)	
Total for Leisure and Tourism Portfolio	1,094,840	62,760	8,344	(54,416)	
Total Approved General Fund Capital	16,054,770	2,621,135	1,544,476	(1,076,659)	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of September 2022

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	2,955,430	1,309,105	1,258,224	(50,881)	
Spendells House Project	450,640	4,570	4,575	5	
IT Upgrade & Replacement	20,000	0	0	0	
Disabled Adaptations	492,170	225,210	225,212	2	
Cash Incentive Scheme	60,000	0	0	0	
Jaywick Sands - Flexible Workspace Project	4,443,480	1,118,810	1,118,809	(1)	
HRA - New Build & Acquisitions - To Be Allocated	1,473,300	0	0	0	
HRA - Acquisitions - Council Dwellings	494,380	333,380	328,440	(4,940)	
Total Housing Revenue Account Capital Programme	10,389,400	2,991,075	2,935,260	(55,815)	

New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet MHCLG Target within:				
	1 Year £	2 Years £	3 Years £	4 Years £	5+ Years £
30% Capital Receipts	0	0	59,234	207,930	92,834
70% TDC Funded	0	0	138,212	485,171	216,614
Cumulative Expenditure	0	0	197,446	693,101	309,448

Collection Performance : Position at the end of September 2022

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates																																
<table border="1"> <caption>Council Tax Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>27.82%</td> <td>27.33%</td> </tr> <tr> <td>Quarter 2</td> <td>53.45%</td> <td>53.77%</td> </tr> <tr> <td>Quarter 3</td> <td>78.88%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>92.81%</td> <td></td> </tr> </tbody> </table>			Quarter	2021/22	2022/23	Quarter 1	27.82%	27.33%	Quarter 2	53.45%	53.77%	Quarter 3	78.88%		Quarter 4	92.81%		<table border="1"> <caption>Business Rates Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>19.64%</td> <td>32.61%</td> </tr> <tr> <td>Quarter 2</td> <td>48.69%</td> <td>67.25%</td> </tr> <tr> <td>Quarter 3</td> <td>72.33%</td> <td></td> </tr> <tr> <td>Quarter 4</td> <td>91.67%</td> <td></td> </tr> </tbody> </table>			Quarter	2021/22	2022/23	Quarter 1	19.64%	32.61%	Quarter 2	48.69%	67.25%	Quarter 3	72.33%		Quarter 4	91.67%	
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Quarter 4	97.20%		Quarter 4	90.73%																															

Treasury Activity : Position at the end of September 2022

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	148	0	8	140	
Long Term PWLB Borrowing - HRA	37,551	0	2,281	35,270	
TOTAL BORROWING	37,699	0	2,289	35,410	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	57,000	319,200	306,600	69,600	Overall investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure. However, there has been a switch away from investments with other local authorities to investments with UK Financial Institutions as fewer local authorities have been borrowing. In respect of investments with UK financial institutions, at the end of the period, investments were held with 11 counterparties, including 2 Money Market Funds.
Investments with UK financial Institutions (including Money Market Funds)	20,655	37,890	37,435	21,110	
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	77,655	357,090	344,035	90,710	
Investments for longer than a year	0	0	0	0	
TOTAL INVESTMENTS	77,655	357,090	344,035	90,710	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	11	4	4	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.09%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,306	370	370	0	The weighted average rate of interest on the Council's HRA borrowing is currently 3.56%. (on an accrued basis)
Interest Received on Investments	(87)	(55)	(446)	(391)	The weighted average rate of interest being received on the Council's investments is currently 0.95%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	76,333	37,699	Borrowing has remained within approved limits.		
Operational boundary for external borrowing	67,723				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2022/23
	£'000
GF Revenue Schemes	144
GF Capital Schemes	253
HRA Capital Schemes	333
TOTAL	730

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	0	2
Affordable Housing	0	0	0	1,248
Town Centre Improvements	0	22	22	0
Conservation	0	0	0	337
Habitat Protection	0	0	0	3
Open Space*	5	6	37	2,496
TOTAL	5	28	59	4,086

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows:

£2,500 by August 2022 - activity is underway to apply this funding to a scheme in line with the associated S106 agreement.

£2,500 by February 2023

UPDATED LONG TERM FINANCIAL FORECAST

APPENDIX 3A

Line	Budget 2022/23 £	Estimate* 2023/24 £	Estimate 2024/25 £	Estimate 2025/26 £	Estimate 2026/27 £
Underlying Funding Growth in the Budget					
1	(0.176)	(0.181)	(0.185)	(0.189)	(0.192)
2	(0.073)	(0.068)	(0.065)	(0.061)	(0.057)
3	(0.139)	(0.134)	(0.138)	(0.071)	(0.096)
4	(0.259)	(0.217)	(0.106)	(0.109)	(0.111)
5	(0.362)	(0.031)	(0.036)	(0.041)	(0.046)
6	(0.324)	(0.100)	(0.100)	(0.100)	(0.100)
7	3.516	0.000	0.000	0.000	0.000
	2.183	(0.731)	(0.629)	(0.571)	(0.602)
Net Cost of Services and Other Adjustments					
8	(0.589)	1.020	0.000	0.000	0.000
9	0.000	(0.352)	0.000	0.000	0.000
10	(6.018)	(3.192)	0.100	0.100	0.100
11	(0.045)	0.000	0.000	0.000	0.000
12	0.001	(0.037)	0.000	0.000	0.000
13	0.008	(0.012)	0.000	0.000	0.000
14	2.622	3.233	0.073	0.000	0.000
15	(0.223)	(0.450)	(1.150)	(4.250)	(0.450)
16	0.023	0.000	0.000	0.000	0.000
	(4.221)	0.210	(0.977)	(4.150)	(0.350)
Cost Increases / Corporate Investment Plan Items					
17	0.605	2.031	0.744	0.548	0.557
18	0.198	0.903	0.267	0.202	0.212
19	0.618	1.235	0.250	0.250	0.250
	1.421	4.169	1.261	1.000	1.019
	1.048	0.431	0.000	3.734	0.014
	0.000	0.000	4.079	0.000	0.000
	0.431	4.079	3.734	0.014	0.081
	0.000	(4.079)	0.000	0.000	0.000
	0.431	0.000	3.734	0.014	0.081
	(0.431)	(0.000)	(3.734)	(0.014)	(0.081)

* See separate RAG risk assessment for further consideration of forecast risks for each line of the forecast

Use of Forecast Risk Fund to Support the Net Budget Position Above

Outturn b/fwd from prior years	(3.205)	(3.274)	(3.524)	(0.039)	(0.275)
Applied in year as set out in the forecast above	0.431	0.000	3.734	0.014	0.081
Additional contributions generated / required in year	(0.500)	(0.250)	(0.250)	(0.250)	(0.250)
Balance to Carry Forward	(3.274)	(3.524)	(0.039)	(0.275)	(0.444)

Risk Assessment of Each Line of the Forecast

APPENDIX 3B

Relevant line of the Forecast	RAG Assessment of Risk	Comments
Underlying Funding Growth in the Budget		
Council Tax Increase 1.99%		Although this always remains subject to future Government policy, it is expected that an allowable inflationary uplift will always be a feature in the Local Government finance settlement and associated Council Tax referendum principles.
Ctax increase by £5 (amounts set out are over and above the 1.99% above)		Although similar to the above, there is less certainty around the level of increase that the Government may allow over and above a 'base' inflationary uplift. However it is expected that such increases will be allowable in the short to medium term without invoking the need to hold a referendum. This will remain subject to on-going review.
Growth in Business rates - Inflation		Similar to Council Tax above, based on the historic trend of inflationary uplifts in the poundage applied to rateable values, modest inflationary increases are relatively certain over the life of the forecast. However there remains the risk that the Government may 'cap' or 'freeze' future annual increases that they may not support by making additional funding available to Local Authorities.
Growth in Business rates / council tax - general property growth		Underlying growth in business rates and Council Tax are expected to remain relatively stable and robust in the long term, although the longer term impact from COVID 19 and the more general major economic challenges faced globally / nationally remains unclear at the present time. This is in addition to the potential impact from future Government policy relating to the business rates retention framework.
Collection Fund Surpluses b/fwd		Although only relatively modest amounts have been included in the forecast, similarly to the above, the longer term impact from COVID 19 and the more general major economic challenges faced globally / nationally remain unclear. (The forecast excludes any benefit from being a member of the Essex Business Rates Pool as it is accounted for on an actual basis rather than building it into the base budget given its one-off nature and complexities in the overall business rate calculations)
Net Cost of Services and Other Adjustments		
Reduction in RSG		Based on recent Government announcements, no financial support is expected in 2023/24 and beyond. However given the economic challenges faced globally / nationally the Government there is the risk that any future Government Departmental Spending reviews may have an adverse impact elsewhere in Local Authority budgets.

Relevant line of the Forecast	RAG Assessment of Risk	Comments
Remove one-off items from prior year		These are known adjustments
Remove one-off items from prior year - Collection Fund Surplus		These are known adjustments based on the assumptions set out above concerning the year on year change in the collection fund position
First / Second / Third year impact of PFH WP Savings		These are known adjustments which will be delivered in total but is recognised that the timing may differ to that originally anticipated which will be reflected in the forecast. The item included in 2021/22 and 2022/23 relate to the annual revenue savings expected from the disposal of Weeley Council Offices.
LCTS Grant To Parish Council's		This will be subject to the level of RSG receivable from the Government, as to date the change in the level of grant funding provided to Town and Parish Councils has mirrored the changes in RSG.
Specific change in Use of Reserves		Changes in the use of reserves primarily reflect other changes elsewhere in the budget/ forecast so are not a significant risk in isolation.
On-going savings required		This line of the budget fundamentally acts as the 'safety valve' for other changes elsewhere in the forecast and would need to be increased if adverse issues were experienced or estimates were not in line with predictions. Although the long term forecast provides flexibility in the timing of the delivery of such savings, the scale of the savings required has increased significantly as a result of the major financial challenges faced globally / nationally. The Council will need to implement a robust framework to identify and deliver the required level of savings heading into 2023.
<i>Cost Increases / Corporate Investment Plan Items</i>		
Inflation and Unavoidable Cost Pressures / Corporate Investment Plan Items		<p>It is recognised that this line of the forecast presents one of the highest risks, especially given the amount of unavoidable cost pressures that have emerged to date. On-going revenue items remain the most difficult items to respond to. Although one-off items, such as those associated with repairing / refurbishing assets could also have a significant impact on the forecast, one-off funding has been made available elsewhere in the budget to support these costs which therefore contributes to the mitigation of this risk.</p> <p>Inflation is running at significantly high levels, which although will 'unwind' over time, it remains a significant 'threat' to the forecast in the short term.</p> <p>Another significant risk to the forecast is external income, especially from elsewhere in the public sector where similar financial pressures are being experienced. Such items include the funding from the major preceptors in respect of the Council Tax Sharing Agreement, which totals over £0.600m each year. This has been reflected in the forecast based on ECC's current commitment, but it may need to be reviewed in the future.</p>

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CABINET

4 NOVEMBER 2022

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

A.6 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2023/24 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2023/24

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider and agree for recommending to Full Council the following:

- Local Council Tax Support Scheme 2023/24 (including associated exceptional hardship policy)
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2023/24
- Annual MRP Policy Statement for 2023/24

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions, discounts and premiums for 2023/24.
- Given the impact on residents from welfare reforms, including universal credit along with the on-going impact from COVID19 / cost of living challenges, it is proposed to continue with the principle of providing financial stability wherever possible to Tending claimants. It is therefore proposed to keep the 2023/24 LCTS scheme the same as this year, which provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has also been subject to annual review and it is not proposed to make any changes from the scheme operating this year and so remains available to support eligible claimants. Additional financial support remains available to claimants via this scheme, which was supported by associated COVID 19 grant funding from the Government.
- In respect of discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care), it is not proposed to make any changes for 2023/24, with the same levels applying as in 2022/23.
- The Annual Minimum Revenue Provision Policy Statement has also been reviewed for 2023/24 with no changes proposed.
- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council in November 2022, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is required, this Council will have to notify the precepting authorities that the final council tax base will be delayed and not available until late in the budget cycle.

- Given the recommendation to continue with the existing LCTS scheme, it is not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it will be considered by Full Council on 22 November 2022.

RECOMMENDATION(S)

It is recommended:

- a) That Cabinet agrees that the LCTS scheme for 2023/24 remains the same as the current year, as set out as Appendix A and recommends to full Council:
 - i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;
 - ii) that subject to a)i) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2023;
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;
- c) that Cabinet agrees the discretionary Council Tax exemptions, discounts and premiums for 2023/24 as set out in the appendices and recommends to full Council:
 - i) that the locally determined council tax discounts as set out in Appendix C be approved;
 - ii) that the council tax discount policy for young people leaving care as set out in Appendix D be approved;
 - iii) that the discretionary council tax premiums set out in Appendix E be approved;
 - iv) that subject to c) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2023; and
- d) that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2023/24 as set out in Appendix F be approved.

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of an LCTS Scheme in 2023/24 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement.

ALTERNATIVE OPTIONS CONSIDERED

Considerations relating to the implementation of the various elements included within the recommendations above are set out within the main body of this report

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

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

OUTCOME OF CONSULTATION AND ENGAGEMENT

Not applicable at this stage as no amendments to the LCTS scheme for 2023/24 are being currently being proposed.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days.
<p>The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.</p>			
<p>In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable. The same legislation would also enable the Council to provide a council tax discount for young people leaving care.</p>			
<p>The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2021/22, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.</p>			
<p>The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and</p>			

Council Tax (Empty Dwellings) Act 2018 amended the Local Government Finance Act 1992 in respect of the Council Tax premium that can be charged on long term empty properties (unoccupied for at least 2 years) as follows:

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

- For properties unoccupied and unfurnished for 2 years but less than 5 years – a maximum of 100%
- For properties unoccupied and unfurnished for 5 years but less than 10 years – a maximum of 200%
- For properties unoccupied and unfurnished for over 10 years – a maximum of 300%

For the purposes of defining a long-term empty dwelling, on any day for a continuous period of at least 2 years if it has been unoccupied, and has been substantially unfurnished.

In determining whether a dwelling is a long-term empty dwelling, no account is to be taken of any one or more periods of not more than 6 weeks during which either of the two conditions above are not met (or neither of them is met).

The Government have proposed the following two changes to the premiums that can be charged which are set out within the Levelling Up and Regeneration Bill that is progressing through Parliament:

- Enable Local Authorities to charge a 100% premium when a property remains empty for a 1 year, so extending the range covered in the first bullet point above to 1 to 5 years
- Enable Local Authorities to charge a 100% premium on second homes.

Although subject to the associated legislation being enacted, it is not currently proposed to introduce the above two changes in 2023/24, but the position will be kept under review going forward.

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year. In calculating a prudent MRP provision, local authorities are required to have regard to guidance issued by the Secretary of State. The latest guidance, issued under section 21(1A) of the Local Government Act 2003, is applicable from 1 April 2019 which the proposed MRP policy reflects.

Local authorities may choose to pay more MRP than they consider prudent in any given year. If they do so they should separately disclose the in-year and cumulative amount of MRP overpaid in the Statement presented to full council.

Local authorities can also vary the methodologies that they use to make prudent provision during the year. If they do so they should present a revised MRP statement to the next full Council or equivalent. Where a change in MRP methodology would impact on the value for money assessment of non-financial investments, the updated statement should summarise this impact.

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no additional comments over and above those set out in the main body of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

LCTS scheme for 2023/24

As at the end of September 2022, the total estimated annual 'cost' of the LCTS scheme in 2022/23 is **£12.098m**, which is broadly in-line with the 'base' position budgeted for. Approximately 10% of this amount (**£1.200m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

As the LCTS scheme is accounted for as a discount against the full council tax amount that would otherwise be payable on a domestic property, the estimated cost of the scheme forms part of the council tax property base calculations that are undertaken when developing the following year's budget. This will therefore be considered as part of the long term forecast and budget setting work currently underway for 2023/24, but it is important to highlight that it is not proposed to reduce the discount rate as part of balancing the long term forecast as the scheme remains an important mechanism to provide financial support to Tendring residents.

Council Tax Hardship Scheme

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall council tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total, which for 2022/23 is **£24,323**. For any awards over and above this annual amount, 100% of the cost is met by TDC.

As no changes are proposed to either the LCTS Scheme or Hardship Policy in 2023/24, no additional underlying costs over and above those included within existing budgets or long term forecast are expected. The Council Tax Collection fund continues to operate whereby any changes against the budget during the year will be 'rolled' forward and included in the following year's budget setting process.

The existing hardship budget was subject to a one-of increase in 2021/22 due to the impact of COVID 19, with £157,868 remaining in the associated budget at the start of this year. Support to households is via the application of the existing hardship policy, with **£93,723** being paid out to eligible households at the end of September 2022.

Council tax exemptions, discounts and premiums for 2023/24

Similarly to the position for the LCTS Scheme above, as no changes are proposed to council tax discounts for 2023/24, including the policy for young people leaving care, no adjustments to existing budgets / long term forecast are expected.

As discussed as part of the introduction of the policy to support young people leaving care last year, the cost of this was expected to be minimal. As at the end of September 2022, the total cost of this scheme is £10,302, which can be accommodated within the wider calculation of the council tax base, each year.

By introducing a 'premium' on long term empty properties in 2022/23 additional income would be expected. However the intention of charging a 'premium' is to bring empty properties back into use following which the 'premium' would no longer be levied, the ultimate success of such an approach would therefore mean that no additional income would be realised. It is accepted that some homeowners may still not bring their properties back into use even when a 'premium' is charged but it is difficult to quantify this figure. However, a summary as at the end of September 2022 is as follows:

Period Empty	Premium Due	Number of Properties Affected @ the start of 2022/23	Number of Properties Affected @ the end of September 2022	Total Value (based on September's Position)
2 to 5 Years	100%	195	161	£253,239
5 to 10 Years	200%	43	38	£117,263
Over 10 Years	300%	25	18	£84,912

The above indicates the continuing trend of properties being brought back into use within the district.

In terms of collection performance, the following sets out the latest position against the 217 properties currently attracting a premium:

Bill stage – 145

Reminder Stage – 26

Second Reminder Stage – 6

Summons Stage – 40

The above position will be kept under review going forward.

The premium will be chargeable to relevant properties within the HRA. Work remains on-going to reduce the level of long term housing voids and any impact to the HRA from council tax premiums, which will be considered as part of the wider HRA Business Planning Process.

Minimum Revenue Provision Policy Statement (MRP)

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

Yes	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
<p>The decisions set out in this report are required to be made in advance of the Final Budget Proposals being considered by Cabinet / Full Council in early 2023. This enables the associated calculations that support the budget to be completed, which also need to be communicated to the Preceptors in a timely way so they can be reflected in their own budget setting processes.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>The LCTS Scheme affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate. This is potentially compounded by the Government's ongoing welfare reforms such as universal credit.</p> <p>The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2023/24, which supports the financial stability of residents, especially during the continuing roll-out of the Government's welfare reforms and the on-going impact of the COVID 19 pandemic / cost of living challenges.</p>	
EQUALITY IMPLICATIONS	
<p>These form part of the wider considerations and discussions within the main body of the report.</p> <p>However, the LCTS scheme set out in the body of the report will not disproportionately impact on the following groups in that the relevant income will continue to be disregarded in calculating entitlement to support:-</p> <ul style="list-style-type: none"> ○ Families in receipt of child benefit; The Child Poverty Act 2010 ○ Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010 ○ War widows/disabled. The Armed Forces Covenant 2011 <p>The application of discounts and premiums are relevant to all properties across the district and it is considered that there are no equality and diversity implications specific to this issue.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>These form part of the considerations and discussions within the main body of the report.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
N/A	

OTHER RELEVANT CONSIDERATIONS OR 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

Please see comments above

Health Inequalities

Area or Ward affected

PART 3 – SUPPORTING INFORMATION

PROPOSED LCTS SCHEME 2023/24

There are two parts to the LCTS scheme;

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

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

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

LCTS is treated as a discount within the council tax calculations, which means that the Council’s taxbase is reduced (as will the taxbase for County, Fire and Police and Parishes).

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

In previous years, one argument put forward was as the LCTS was supported by the Revenue Support Grant, any reduction in this grant should be ‘passport’ across to the LCTS scheme and therefore reduce the support available in line with those reductions. However, this Council has not applied such an approach to date and it does not intend to do so in 2023/24 either. The Council recognises the on-going impact on residents from welfare reforms, including universal credit and cost of living challenges, so it is proposed to maintain the maximum discount at 80% for working age claimants. In terms of the overall scheme, no significant changes are proposed with the scheme remaining primarily the same as 2022/23. One small change made relates to the disregard of income when calculating financial support under the scheme. During the year it is recognised that the Government may ask Council’s to disregard certain unearned income items, so a generic reference is now made to reflect this situation to enable the Council to react timely to any such changes during the year when instructed to do so by the Government via regulations or other means.

The scheme for 2023/24, that reflects the minor amendment highlighted above (last bullet point on page 20 under the sub heading **“Unearned Income that is not counted”**) is set out as **Appendix A**.

When the LCTS scheme was considered in previous years, it was hoped to be able to consider alternative options for a redesign of the scheme given the potential increased administrative workload of operating the current one. This is mainly due to the means tested approach and that the information required in the past being collected as part of jointly administering Housing Benefit. As Housing Benefit continues to be phased out and the Department of Works and Pensions (DWP) are unable to share with us the information that they collect to administer Universal Credit, the Council will have to continue to ask claimants for the same information independently - in effect duplicating what is required from claimants. However, this revised approach remains a key aspiration and work will resume as soon as practicable.

For information, statistics relating to the LCTS scheme in 2022/23 are set out below:

As at the end of September 2022:

There are currently 12,346 household receiving LCTS.

The total working age households receiving support is 6,312

The total pensioner households receiving support is 6,034

Council Tax Hardship Scheme

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

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

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

It is not proposed to amend the existing scheme for 2023/24.

PROPOSED COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PREMIUMS 2023/24

Discounts and Exemptions

There are a number of mandatory exemptions and discounts available, with only a limited number of classes of dwelling where there is local discretion as to the amount of discount that is awarded. These relate to 4 classes of unoccupied dwelling and for 2023/24 it is

proposed to keep the level of discount at the same level as 2022/23 as set out in **Appendix C**.

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

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

A council tax policy was introduced last year to support young people leaving care. It is proposed to continue with an unchanged policy going into 2023/24, which is set out in **Appendix D**.

Premium on Long Term Empty Properties

As a key driver to bring empty properties back into use, the Government allows Local Authorities to levy a council tax 'premium' on long term empty properties (Class C which have been empty for more than two years). The maximum 'premium' that can be charged is set out within the legal section above but can be as high as 300% for a property that has been empty for over 10 years. A second home or holiday home would not be included as the 'premium' would only apply to properties that are substantially unfurnished (although the Government are considering changing this – please see comments within the Legal Section above).

The premiums set out in **Appendix E** were agreed by Full Council last year and have been chargeable since the 1 April 2022. It is proposed to continue with the existing level of premiums for 2023/24.

Other Considerations

As highlighted in previous years, the Council does from time to time receive feedback from residents or other third parties in terms of putting forward a case to review existing discounts or introduce new ones. No significant issues have been raised at the time of finalising this report, so there are no further matters are being put forward for consideration.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix F** is the proposed Annual MRP policy statement for 2023/24 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

The policy sets out how the Council will make provision for the eventual repayment of any borrowing undertaken to finance capital expenditure. The policy, which is unchanged from 2022/23, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or

specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2023/24 over the coming months.

PREVIOUS RELEVANT DECISIONS

N/A

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2023/24

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2023/24

Appendix D Care Leavers Council Tax Discount Policy

Appendix E Council Tax Premiums 2023/24

Appendix F Annual Minimum Revenue Provision Policy Statement 2023/24

REPORT CONTACT OFFICER(S)

Name	Richard Barrett
Job Title	Assistant Director (Finance and IT)
Email/Telephone	rbarrett@tendringdc.gov.uk (01255) 686521

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Local Council Tax Support Scheme (LCTS) 2023/24

**A summary of the scheme for Working Age persons and
the Government Scheme for Pension Age claimants**

Local Council Tax Support (LCTS)

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance on Maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), Maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance Maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2023/24, the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2023/24, the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- o Families in receipt of child benefit;
- o Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- o War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council via the Tendring District Council website at www.tendringdc.gov.uk or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be

provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that

your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;



- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.



How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
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(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance	<p>Gross Income is less than £222.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £222.00 per week but less than £288.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p> <p><i>(Above are 2022 rates which will be subject to a 2023 uplift by the Govt.)</i></p>
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit, income-related employment and support allowance or income support, living with a full-time student(s).	100 % of the Council Tax due in respect of that day.

Income less than applicable amount (see "Living Allowances or Applicable Amounts" below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see "Living Allowances or Applicable Amounts" below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and



premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind; or
- receiving Disability Living Allowance/Personal Independence Payment.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or



- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment.
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service



Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:
 - a rate for each dependent child/young person in your household who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for a single person who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for couples where at least one member of the couple receives the highest rate of DLA/Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.



Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the



gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings. The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which



is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).



Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)
- Payment(s) made via regulations or other means, that the Government instructs the Council to disregard during the year

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The



balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have



notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.



If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.



How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does



cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement



The Council may receive and obtain information and evidence relating to claims for LCTS from—

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for, LCTS purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.



Localised Support for Council Tax Exceptional Hardship Policy



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1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.

3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:

- Make a separate application for assistance;
- Provide full details of their income and expenditure;
- Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- Identify potential changes in payment methods and arrangements to assist the applicant;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
- Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.

4.2 Through the operation of this policy the Council will look to

- Support those in exceptional hardship;
- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Support;
- For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

- 12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's Complaints Procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.



17.0 Policy Review

- 17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2023/2024 financial year:-

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

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

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

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

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

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

100% discount up to 12 months

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Care Leaver's Council Tax Discount Policy

Introduction

This policy utilises the discretionary power available to billing authorities arising from S13A(1)(c) of the Local Government Finance Act 1992 to reduce, or further reduce, the amount of council tax a care leaver is liable to pay with effect from 1 April 2023.

Definitions

For the purpose of this policy, a 'care leaver' is defined as:

A person aged up to 21, who has either

- (a) been looked after by Essex County Council 'Essex' for at least 13 weeks since the age of 14; and who was looked after by the local authority at school-leaving age or after that date; or
- (b) who is entitled to leaving care support from Essex.

The Children Act 1989 defines the categories of children entitled to leaving care support as:

'Eligible children' are those young people aged 16-17 who are still in care and have been 'looked after' for a total of 13 weeks from the age of 14 and including their 16th birthday;

'Relevant children' are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17;

'Former relevant children' are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

Policy statement

For the purpose of calculating the amount of discretionary council tax reduction to apply, care leavers and those in their household are required to take steps to minimise their liability for council tax by claiming discounts, exemptions and council tax reduction.

After all discounts, exemptions and council tax reduction have been claimed the Council will reduce the council tax liability so that the liability of the household is the same that it would have been had the care leaver been a 'disregarded persons' (such as students) as detailed in s11 and Schedule 1 of the Local Government Finance Act 1992

For example:

A care leaver joining an existing household with a single person discount in place will be given sufficient discretionary relief to ensure that the council tax liability does not increase as a result of their presence.

A household where only care leavers are liable to pay council tax will be given sufficient discretionary relief to extinguish the council tax liability completely.

A care leaver in a property, which would otherwise be exempt from council tax, will be given sufficient discretionary relief to ensure that no council tax continues to be payable.

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Council Tax Premiums to apply for the 2023/24 financial year:-
<i>From 1 April 2023, the following additional amounts of council tax (a premium) will be charged when a property has been empty for two years or more:</i>
Properties that are empty for two years, but less than five years, will attract a premium of 100%, and therefore charged 200% of the set council tax.
Properties that are empty for five years, but less than ten years, will attract a premium of 200%, and be charged 300% of the set council tax.
Properties that are empty for ten years or more will attract a premium of 300%, and be charged 400% of the set council tax.

The above premiums will apply to the property, so a change of ownership or tenancy will not affect the premium.

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ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2023/24

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

Unlike a mortgage where amounts of principal are repaid each month, the borrowing undertaken by this Council may be repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be kept under review as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2023/24, no changes compared to 2022/23 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2023/24 is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2023/24 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

CABINET

4 NOVEMBER 2022

REPORT OF THE MONITORING OFFICER

A.7 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDINGS

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns omissions that the Local Government and Social Ombudsman ('the Ombudsman') has determined were maladministration. There are two separate cases. Both relate to applications for housing by the Council (with one also concerning Council Tax recovery). Both households were in private rented accommodation at the time.

Case 1

In the first case, the Ombudsman determined the complaint on 1 July 2022. The investigation identified that the Council had adjusted the effective date of the application for housing from September 2018 to April 2019 and had not notified the applicant of the adjustment. There was also a delay of five months in notifying the applicant of a request for additional medical information and an occupational therapist assessment of the applicant's accommodation at the time. The medical panel then did not consider the evidence of the applicant until June 2021. While the pandemic contributed to some of the delay, in referencing the case to the medical panel, it was not the only factor. The assessment of the medical panel was backdated to April 2019. Prior to submitting the complaint to the Ombudsman, the Council had considered the circumstances. The Council had, as part of its processes, apologised and offered the complainant £200 to recognise the time and trouble they had been put to in making the complaint and for any distress it caused. The Ombudsman considered that this Council offer remedied the injustice caused.

The Ombudsman did not find that the delays incurred in this case affected the applicant's opportunity to be rehoused by the Council.

Since the period to which the complaint relates, the Council has introduced a new digital self-service system to manage applications to the housing register, which is relieving the pressure on its housing team. It has also restructured its housing team to provide a more effective service. In a further measure, it has reviewed the process for handling medical assessments and has carried out further work to ensure medical assessments are timely and outcomes communicated to applicants.

Case 2

In the second case, determined on 1 September 2022, the Ombudsman considered that the medical circumstances associated with an application for housing should have been reviewed in response to a representation received. The representations were made in June 2019. While the case was not subject to a full review, with a call for fresh evidence made, the existing position was re-examined and an offer of support to the complainant was made. The Ombudsman was of the view that the Council knew, or could reasonably conclude, that the needs of the household had increased since the last set of medical assessments had taken place. On that basis, a full review and call for fresh assessments should have been made. In 2017, the Council had made an offer of accommodation to the complainant and this was

declined following advice received by the complainant from the County Council's Occupational Therapists. The medical needs indicated that a single storey property was required.

The Ombudsman did not find that the review of the case in June 2019 would have affected the complainant's opportunity to be rehoused by the Council. There were also other elements of the complaint around housing that the Ombudsman did not uphold.

In addition to the housing application matters referred to above, the complainant had, between 2018/19 and 2021/22, accrued arrears in Council Tax of around £635 including costs. Recovery agents were engaged when the complainant did not respond to bills, reminders and summonses from the Council directly. In February 2019, an enforcement agent noted that the complainant might be potentially vulnerable on grounds of mental health illness. In April 2019, a further contact with recovery agents records that the complainant was "not in a good place" and feeling suicidal. These interactions should have meant that the case was referred back to the Council. However, it was not and recovery steps continued. It was then returned to the Council in 2019 (and at that stage included council tax arrears for 2019/20 as well). The Ombudsman considered that the delay in referring back the case from recovery agents to the Council would have caused distress to the complainant.

Prior to submitting the complaint to the Ombudsman, the Council had considered the circumstances. The Council had, as part of its processes, written off significant a large council tax debt the complainant.

Since the Ombudsman's investigation, and in accordance with the agreed recommendations, the Council has apologised to the complainant and made payments totalling £500 for the identified failings across housing and council tax recovery. Debt advice has also been offered. A briefing for housing staff on issues identified in the complainant has also been programmed.

Under delegated powers to the Chief Executive, decisions authorising the payments outlined in this report have been made and published separately. These decisions followed consultation with the Portfolio Holder for Housing.

This item is submitted for **INFORMATION ONLY**.